

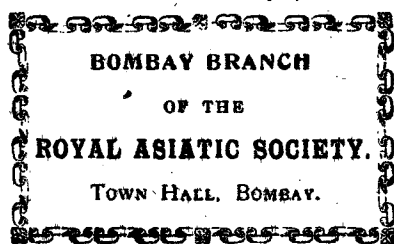
CX
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CORRESPONDENCE
RELATING TO BEHAR
CADASTRAL SURVEY



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B.H.R.A.S.



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EAST INDIA (SILVER QUESTION).

RETURN to an Address of the Honourable The House of Commons,
dated 20 May 1892;—for,

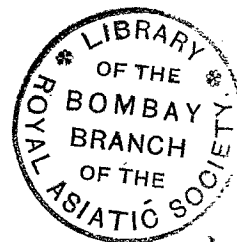
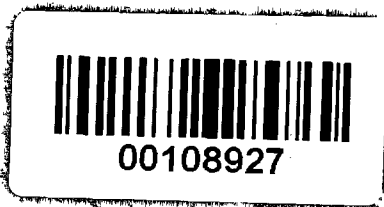
“ RETURN of CORRESPONDENCE between the Secretary of State and the
Government of India, relating to the Representations made to the
Government of India by the Calcutta Chamber of Commerce on the
SILVER QUESTION.”

India Office,
9 June 1892. }

A. GODLEY,
Under Secretary of State for India.

108927

(*Sir William Houldsworth.*)



Ordered, by The House of Commons, to be Printed,
10 June 1892.

CX-9-2
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RETURN of CORRESPONDENCE between the Secretary of State and the Government of India, relating to the Representations made to the Government of India by the Calcutta Chamber of Commerce on the SILVER QUESTION.

— No. 1. —

The Government of India to the Secretary of State for India ; Calcutta,
23 March 1892, No. 68 (Finance and Commerce).

My Lord,

WE have the honour to forward, for your Lordship's information, a copy of the correspondence noted on the annexed schedule, with the Bengal Chamber of Commerce, in which the Chamber inquires what we propose to do with reference to the heavy fall in the value of the rupee which has followed on the fall in the price of silver in the United States.

2. Your Lordship is aware of the anxiety with which we regard this question, and of its high importance in our estimation as affecting the interests of India. We have, at various times, for instance in our letters No. 45 of the 2nd February 1886, and No. 277 of the 4th September 1886, fully expressed our views on the subject, and it is unnecessary to repeat them here. But we desire to say that the violent oscillations in the price of silver since 1890, and its rapid decline during the last year to the lowest point yet reached, cause us, as they have caused the mercantile community, the gravest anxiety for the future.

3. We are desirous, as we have always been, of aiding in the settlement of the silver question by international agreement; and, if proposals should be made by the United States or by any other Government for the holding of an International Conference, we trust that your Lordship will lend those proposals your strongest support.

4. In our opinion, it is not open to question that, if international agreement is not arrived at, the United States Government will sooner or later be driven either to the adoption of a silver standard or to the abandonment of its purchases of silver. It is certain that the cessation of the purchases of silver by the United States could not fail to depress still further the price of that metal, and the policy to be followed by India in that event deserves the most serious consideration on an early date.

5. The stoppage of the coinage of silver by the United States will probably, if it should come, come suddenly; and, if we defer until it has taken place the consideration of the measures which in that event it may be expedient to adopt, we shall find ourselves unprepared and left with no time for due consideration.

6. We are therefore of opinion that the subject should be considered in all its bearings beforehand; and we recommend that, in view of the possible action of the United States in the future, Her Majesty's Government should now take into consideration the question whether any, and if so what, measures can be adopted for the protection of Indian interests against the further decline in the gold value of the rupee, to which for the reasons which we have given, we may be at any moment exposed, and the violent fluctuations in the relative value of gold and silver to which, under present circumstances, we cannot assign any limit either in time or in amount.

We have, &c.

Lansdowne.

P. P. Hutchins.

D. Barbour.

A. E. Miller.

H. Brackenbury.

R. C. B. Pemberton.

Enclosures in No. 1.

From *S. E. J. Clarke*, Esq., Secretary, Bengal Chamber of Commerce, to the Secretary to the Government of India, Finance and Commerce Department, 4th February 1892, No. 83:

I AM desired by the Committee of the Chamber of Commerce to state that their attention has been directed to the telegrams recently received from Europe, to the effect that America had invited the different Powers to a Conference for the purpose of considering the silver question.

I am also directed to inquire whether, in the event of the proposed Conference being unable to fix a ratio between silver and gold, and America being forced to abandon her present Bill dealing with the purchase of silver, the Government of India propose to take any action with reference to the position of silver in this country.

From *J. F. Finlay*, Esq., Secretary to the Government of India, Finance and Commerce Department, to the Secretary, Bengal Chamber of Commerce, 10th February 1892, No. 571.

I AM directed to acknowledge receipt of your letter No. 83—92, of 4th February 1892, stating that the attention of the Chamber has been directed to the telegrams recently received from Europe, to the effect that America had invited the different Powers to a Conference for the purpose of considering the silver question, and inquiring whether, in the event of the proposed Conference being unable to fix a ratio between silver and gold, and America being forced to abandon her present Bill dealing with the purchase of silver, the Government of India propose to take any action with reference to the position of silver in this country.

2. In reply, I am to say that it would be impossible for the Government of India to offer any assurance as to the course which they might take in a hypothetical case, which would only arise upon the assumption (i.) that the Conference referred to in Reuter's telegrams is held; (ii.), that it is unable to fix a ratio between the two metals; and (iii.), that America thereupon determines to abandon the legislation under which the State is at present compelled to purchase certain amounts of silver.

3. I am, however, to add that the Government of India recognizes the great importance of the subject to which you have invited their attention, and will be glad to be favoured with any recommendations which, in view of the possibilities referred to, the Chamber may desire to make.

From *S. E. J. Clarke*, Esq., Secretary, Bengal Chamber of Commerce, to the Secretary to the Government of India, Finance and Commerce Department, 18th February 1892, No. 113.

I AM directed by the Committee of the Chamber of Commerce to acknowledge receipt of your No. 571 of the 10th instant, on the subject of the recent fluctuations in the relative value of gold and silver, and the inconvenience to legitimate trade which has resulted therefrom, and the uncertainty which exists as to the future exchange value of the rupee.

2. The fluctuations in the Indian exchanges to which the Committee desire to invite special attention are the great rise which took place in 1890, and the great fall which has taken place in 1891, and the first month of the present year 1892.

In 1890 demand bills on London rose from 1.4½ to 1.9, and since then have fallen to 1.3¾.

It is, in the opinion of the Chamber, impossible for men of business to feel any confidence in the future value of the rupee, and they believe that such a state of things restricts the investment of capital in this country, and seriously hampers legitimate enterprise.

CORRESPONDENCE RELATING TO

3. It appears to the Committee that there is no complete remedy for these great and rapid fluctuations in the exchange between India and England, except either the establishment, by international agreement, of a system of free coinage of both metals at a fixed ratio, or the adoption of a gold standard by India.

Some hold that a partial remedy would be found in the adoption of a silver standard by the United States of America, which would have the effect of steadying the value of silver in relation to gold, and of preventing so great a fall in the price of silver as would otherwise occur, while others hold a contrary opinion.

4. Failing these remedies, the Committee see nothing in the future except the gradual demonetization of silver by one country after another, violent and endless fluctuations in the relative value of gold and silver, and a fall in the value of the rupee relatively to gold, the extent of which it is impossible to predict. The recent decision of the Austro-Hungarian Government to adopt a gold standard indicates very clearly what is likely to happen if special measures are not adopted to settle the question.

5. Under these circumstances, the Committee experiences considerable difficulty in making definite recommendations, as it is necessarily not so well informed as to the probable action of Foreign Governments as the Government of India must be.

6. The remedy which would be attended with least risk appears to the Committee to be an international agreement for the free coinage of gold and silver at a fixed ratio; and, the nearer such ratio might be to the market rate of the day, the less would be the immediate disturbance of trade.

7. The Government of India will no doubt be able to form its own opinion as to the probability of any such agreement being arrived at, either in the present day or at some future time.

8. While the Committee are of opinion that the adoption of free coinage of silver in America might not have the effect expected by many, still it appears to them that the Government of India would be following a safe policy in promoting the holding of an International Conference on the subject, and in offering such inducements as it reasonably can to bring about an international agreement.

9. If success cannot be secured in this way, there appears to be nothing before us but the prospect of endless fluctuations in the relative values of silver and gold, attended with a fall in the value of silver of indefinite amount; and the Committee think that in such case the Government of India should take steps to have the question of the advisability of introducing a gold standard into India carefully and seriously considered by competent authorities.

— No. 2. —

The Secretary of State for India to the Governor General of India
in Council; 2nd June 1892, No. 92 (Financial).

My Lord Marquis,

Fall in the gold
value of silver;
Monetary Confer-
ence.

ON the receipt of your Excellency's letter, dated the 23rd of March, No. 68, respecting the fall in the gold value of the rupee which has followed on the fall in the price of silver in the United States of America, I caused copies thereof to be laid before Her Majesty's Government, in order that they might be fully aware of the importance of the question to the interests of India.

2. Your Excellency will have observed with satisfaction, from a reply given by the Chancellor of the Exchequer on the 11th ultimo to a deputation which had an interview with him and the Prime Minister on the subject, that Her Majesty's Government have decided to accept an invitation from the President
of

of the United States, to take part in a Conference which is about to be assembled, in order to consider by what means, if any, the use of silver can be increased in the currency system of the nations.

3. A copy of a letter addressed to the Treasury on the 13th of May is enclosed for your information.

I have &c.

Cross.

Enclosure in No 2.

The Under Secretary of State for India to the Secretary of the Treasury.

(F. 1420.)

Sir,

India Office, 13 May 1892.

I am directed by the Secretary of State for India in Council to transmit, for the information of the Lords Commissioners of Her Majesty's Treasury, a copy

* 23rd March 1892, No. 68, with enclosures, of a letter* received from the Government of India, on the subject of the very heavy fall which has

recently occurred in the value of the rupee as measured in gold.

Their Lordships are well aware of the extreme importance of this question to the Government of India, whose views have been from time to time expressed

† Parliamentary Paper, No. 449 in Despatches published in the documents of 1881; Command Paper, No. 4868; mentioned in the margin.† Viscount Cross does Royal Commission on Gold and Silver, 1887, 1st Report, Appendix No. 12.

not desire at the present moment to discuss the question of the measures that it may become necessary to adopt, but he feels sure that the Government of India will peruse with satisfaction the report of the Chancellor of the Exchequer's speech on the 11th instant, in which he stated that Her Majesty's Government had decided to accept an invitation to take part in a conference assembled to consider whether any means can be adopted for increasing the use of silver in the currency of the nations.

As illustrating the enormous difficulty in adjusting the taxation in India to the expenditure, which arises from the great fluctuations in exchange, I am desired to mention the following facts:—In December 1890 the rate of exchange was, with the concurrence of the Treasury, fixed for 1891–92 at 1 s. 6½d. the rupee, in agreement with the gold value of silver at that date; in about four months the rate for selling bills on India had fallen to 1 s. 4¾d. the rupee, causing an increased charge in the remittances from India, estimated for the year then commencing, of Rx. 2,168,000. From the middle of February to the 18th March last, when the Budget for 1892–93 was under consideration, the value of the rupee ranged between 1 s. 4d. and 1 s. 3¾d., and the Government of India adopted the higher of those two rates; within 11 days from the publication of the Budget, the market rate in India had fallen below 1 s. 3d., at which rate the drop of a penny in the rupee would cause an additional charge for remittance in 1892–93 exceeding Rx. 1,700,000.

Thus, within a few weeks, the Government of India is liable to find itself exposed to the necessity of providing a sum greater than the whole of its receipts from either the customs duties or the assessed taxes, or from the recent increase of the duty on salt; and this result ensues from causes over which neither the Government nor the people of India have any control, but which arise for the most part from legislation, either actual or threatened, by other nations.

Nor is it only to the Government that this most serious inconvenience is caused. The disadvantage to trade in India is shown by the letter from the Bengal Chamber of Commerce, which the Government of India have forwarded; and there can be no doubt that it is equally felt by the merchants in the United Kingdom who have transactions with India. Any measures, therefore, which can bring about a comparatively stable rate of exchange, are to be cordially encouraged in the interests of the people of India, and of the mercantile community trading between this country and our Eastern possessions.

I have, &c.

A. Godley.

EAST INDIA (SILVER QUESTION).

RETURN of CORRESPONDENCE between the Secretary of State and the Government of India, relating to the Representations made to the Government of India by the Calcutta Chamber of Commerce on the SILVER QUESTION,

(*Sir William Houldsworth.*)

*Ordered, by The House of Commons, to be Printed,
10 June 1892.*

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East India (Behar Correspondence).

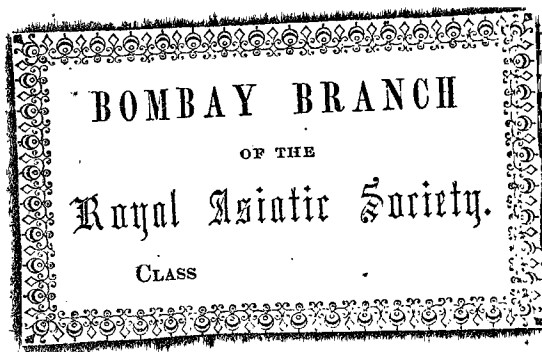
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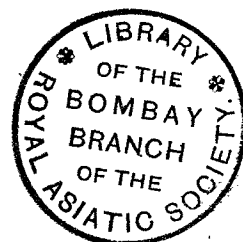
RETURN to an Address of the Honourable The House of Commons,
dated 8 March 1892;—for,

“COPY of CORRESPONDENCE between the INDIA OFFICE and the DISTRICT
AND LOCAL OFFICERS of the PROVINCE of *Behar, Bengal*, as to the
Advisability of carrying out the proposed Cadastral Survey in that
Province.”

India Office, }
28 March 1892. }

GEORGE N. CURZON,
Under Secretary of State for India.

(*Mr. Herbert Knatchbull-Hugessen.*)



Ordered, by The House of Commons, to be Printed,
17 May 1892.

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COPY of CORRESPONDENCE between the INDIA OFFICE and the DISTRICT and LOCAL OFFICERS of the PROVINCE of *Behar, Bengal*, as to the Advisability of carrying out the proposed Cadastral Survey in that Province.

No. 1.

EXTRACT from Letter from Government of India, Revenue and Agricultural Department, No. 6, dated 23rd June 1888.

WE have the honour to forward for your Lordship's information the accompanying letter from the Government of Bengal, and enclosures, being a report on the experimental survey and record of rights undertaken in the Mozufferpore District. We also forward a copy of a letter to the Government of Bengal, containing our observations on the Report.

Enclosure 1, in No. 1.

Revenue Department.—No. 283-116L.R.

From *P. Nolan, Esq.*, Secretary to the Government of Bengal, to the Secretary to the Government of India.

Sir,

25 January 1888.

I AM directed to submit, for the information of the Government of India,

* Letter No. 741A., dated 27th October 1887, from the Board of Revenue.

Letter No. 496T.A., dated 14th September 1887, from the Director of the Department of Land Records and Agriculture in Bengal.

copy of a valuable and interesting report on the experimental survey operations in Mozufferpore, submitted by Mr. E. W. Collin, c.s., the Settlement Officer, with copies of the remarks* made by the Director of the Department of Land Records and Agriculture, and by the Board of Revenue.

2. Although the survey undertaken in Mozufferpore was confined to a smaller area than that originally intended, it may be said to have attained its object as an experiment, inasmuch as it has shown that the difficulties in the way of such operations are not insuperable. The success with which the proceedings were conducted is, indeed, due in no small measure to the tact and judicious management of Mr. Collin, but it is to be hoped that such ability will not be wanting in the future should it be considered advisable to undertake a similar task on a larger scale.

3. The Settlement Officer's report contains a sustained argument in favour of the prosecution of a policy of making surveys and records of rights with the object of protecting the cultivators. He found that in the tract with which he dealt the amount of rent to be paid yearly by the ryots was, in the majority of cases, a subject of dispute, that the rates paid had been arbitrarily enhanced in recent years, and that the possession of the tenants was so far precarious that they were required to surrender a fixed proportion of the village lands when required for the use of the proprietor; to the prevailing uncertainty as to their rent, rates, and continued occupation, he attributes the poverty of the cultivators; and he contends that these evils will not be remedied by the Bengal Tenancy Act in its ordinary operation, but will be redressed by such proceedings as those recently taken under his supervision. In this view he is warmly supported by the Director of the Department of Agriculture and Land Records.

The Board of Revenue, while admitting, to some extent, the existence of the alleged evil, doubt the efficacy of the remedy proposed. They consider that the belief expressed by Mr. Collin, that if the existing rents are once ascertained and certified to the ryots they will refuse to pay more, is not supported by the history of the past dealings between landlords and tenants in the district.

4. That much uncertainty prevails as to the rents due from ryots is a fact which has long been known to Government, but perhaps it has never been illustrated so forcibly as in the present report. This uncertainty has been brought about by the neglect of landlords to observe the provisions of Act X. of 1859 as to the delivery of receipts specifying the year for which each payment of rent was made, and by their failure to keep true accounts; it is admittedly a hindrance to agricultural progress; and, as the source of much fraud, ill-feeling, and dispute, it furnishes the main consideration in favour of making surveys and records of rights. Mr. Collin considers that it does not appear that the payment of a slightly enhanced rent has had any serious effect on the prosperity of the ryots, and observes that where the rents payable in adjoining villages vary, there is never any noticeable difference in the condition of the inhabitants. Indeed, he has not examined the question whether existing rents, which average Rs. 3-12 an acre, are too high in an economic sense, believing that the uncertainty noticed above is the real misfortune. If this be true, the objection that the survey has, in a few instances, led to enhancement, and may hereafter be made the foundation of further demands, is to some extent diminished.

5. The doubts expressed by the Board, as to whether the ryots will be able to derive any substantial protection from the settlement, receive some support from the statements made with a different object by the Settlement Officer and the Director as to the circumstances under which rents have been enhanced, and tenants have been compelled to give up land for cultivation by the landlords. In these statements it is assumed that the tenants had a legal title to hold for ever at rents fixed by statutory rules, in other words, that they possessed rights of occupancy; and therefore that enhancements in excess of what could be taken under those rules, or encroachment on their fields for the proprietor's own use, were illegal, not only with reference to the methods adopted, but also in their object and substance. This is a view which can hardly be reconciled with the confident expectation elsewhere expressed that the present record will prove a real and lasting protection to the cultivators. If, with the law clearly on their side, the ryots were unable to protect themselves, if, occupying a position impregnable to direct attack, they surrendered solely on account of the use of the irregular methods usually employed by zemindars to enhance rents without going to the Courts, the suggestion is obvious that in the future, however safe-guarded by the care of Government, they may fare no better, and that the only efficient remedy must be sought in the progress of popular education, nowhere so backward as in the district of Mozufferpore. It is manifest that no records of rights would prove a protection against the criminal charges by which it is indicated in paragraph 72 that the consent of ryots was obtained to an enhancement, or against the pressure said to have been exercised with the same object in other instances. The facts stated, however, seem to point to a different conclusion, indicating that, before the passing of the Bengal Tenancy Act, the great majority of the cultivators of this tract were, so far as concerns legal rights which could be proved in Court, merely tenants-at-will, and therefore not in a condition to insist at law on the continued occupation of their holdings, if the landlord desired part of the land for himself, or refused to let it at the old rates. On this point it is observed in paragraph 12 of the report of the Behar Rent Commission of 1879 :—

“An examination of the jumma-bundi papers of Behar estates has shown that, while 60 per cent. of the present ryots have held some land in the villages in which they reside for more than 12 years, less than one per cent. of them hold at present the same area of land which they held 12 years ago. Inasmuch as these ryots hold no pottahs or other documents showing which are the particular fields which they have held for more than 12 years, and which fields were subsequently acquired, it is doubtful whether any one of them could, under the

the existing law, prove their occupancy rights, even where these rights exist beyond all doubt."

The present report shows that the ryots of the surveyed villages are, but for the Tenancy Act, precisely in the position described by the Commissioners in the above passage. "Wherever I have compared present holdings with those recorded in recent rent-rolls," Mr. Collin writes, "numerous alterations have taken place in the area of holdings, thus arguing a general insecurity of tenure" (paragraph 96), "the ryots have lost all means of proving their rights, and have become entirely at the mercy of their landlords" (paragraph 9). The distinction which Mr. Collin draws between ryots who have no right of occupancy, and those who have such a right, but cannot prove it, was frequently taken in the discussions which preceded the enactment of the present law, and is of great importance from a legislative point of view; but for the practical purpose of litigation it has little significance. The Courts of law can take no cognisance of facts which cannot be proved. Whatever may have been their equitable status, the whole tenor of the report shows that up to the date of the passing of the Bengal Tenancy Act, the ryots of the surveyed tract had not, in the eyes of the law, emerged from the condition in which, according to the statement quoted in Mr. Collin's second paragraph, they were found to be in 1824, that of tenants-at-will. If such was their legal position, it ceases to be a matter of surprise that they were not assessed in rent in accordance to rules inapplicable in their case, or that they had to give up three cottahs in the bigha when required to do so on the part of the zemindar. It is rather an illustration of the beneficial effects of custom that they were not charged the full rent which the owner could get for land of which he had the free disposal (paragraph 40), and that a definite limit was placed to demands for land required for his own cultivation. That they so far preserved their position was probably due not only to custom, but to the absence of any record, distinctly indicating their want of the privileges of occupancy. The Bengal Tenancy Act has effected a great change, by conferring rights of occupancy in respect of all lands held by settled ryots in their own villages, whether cultivated for 12 years or for any shorter period. The practical effect of this alteration is that the Settlement Officer has found 93 per cent. of the ryots able to prove that they possessed occupancy or superior rights, against the fraction of one per cent. estimated by the Behar Rent Commission. These figures indicate a complete revolution in the legal position of the cultivators as a body, which must ultimately though perhaps slowly, and almost imperceptibly, produce practical results of great importance.

6. A more serious objection to surveys is suggested by the description given in paragraph 46 of the report of the system of *kurtowli* leases, by which ryots, under the pressure of immediate need, transfer their privileges to indigo-planters, and transform themselves into sub-tenants of the latter. The statement made in paragraph 96 of the report, that there has already been an increase in the sale of holdings and parts of holdings in settled villages, is also of great significance. In the Sonthal Pergunnahs it was found that the effect of a survey and settlement was to increase the prosperity of cultivators as a body, but, on the other hand, to enable a large number of them to sell, mortgage, or sublet their holdings so as to reduce themselves to beggary. Very similar consequences may reasonably be expected to result, at all events in the first instance, from the same causes in Mozufferpore. Indeed, it would seem that in that district the exceptionally backward state of primary education, the great pressure of population upon the soil, and the low rate of wages, which deprives the cultivators of the power of paying off any small debt by the produce of their labour, make them peculiarly liable to embarrassments, and exposed to the temptation of alienating any property in which they may be given a permanent interest. This, however, merely means that a certain proportion of ryots having obtained rights which have a money value will exchange these rights wisely or unwisely for cash. The process is an inevitable adjunct to the possession of property, and certainly affords no valid argument against the better recording and maintenance of such rights as exist.

7. With regard to the view expressed in the present correspondence, that the Bengal Tenancy Act in its ordinary operation, that is where surveys are not undertaken, will not suffice to remove or to diminish the grievances of ryots,

and particularly that which regards the uncertainty of the rent demands made on them, I am to observe that the case appears to be too strongly put by Mr. Collin and by Mr. Finucane. In Bengal, legislation for the protection of the masses necessarily operates slowly, and its effects in the earlier stages should not be watched with impatience. The Act has given many of the cultivators new rights; it has facilitated in all cases the proof of rights previously existing; and by the provisions in regard to receipts, as well as in other ways, it has established an automatic system of registration which will by degrees accumulate documentary evidence invaluable in the settlement of disputes as to rent rates. These changes will, it is to be hoped, produce good results in the course of time, but it is not to be expected that they will put an immediate termination to practices with which the Legislature has combated without success for a century. In the matter of the introduction of detailed receipts—a subject of special importance in the present connection, as such receipts, when properly filled up, are to a great extent a substitute for a survey record—Mr. Collin notices with disappointment the fact that out of 220 villages examined the new forms were in general use in 121, partly used in 33, and not used at all in 66; while, as many of the villages in which receipts are given are attached to European factories, the proportion on native estates must be more unfavourable than that indicated by the above figures. The Lieutenant Governor, on the other hand, hardly expected to find that even this imperfect degree of success would have been attained in so short a period. The use of a survey lies in this, that, in giving to the ryots an unimpeachable title to hold definite land at recorded rents, it effects immediately and completely what the tendencies established by the Act can bring about only by degrees in the course of years.

8. On the whole, the Lieutenant Governor is satisfied with the results of the experimental surveys, and considers that there is good reason for desiring to extend the process to other tracts in the position of that dealt with in Mozufferpore, that is to say, where uncertainty prevails as to the existing rents. The experience gained in the course of recent operations indicates that the original estimate of cost, eight annas an acre for all the work of settlement, need not be exceeded, even if it cannot be considerably reduced, and even if the cost had been paid in this instance (as it must be, should the experiment be extended) by the zemindars and ryots concerned, the Lieutenant Governor would consider the amount by no means excessive for the benefits conferred. The Despatch of the Secretary of State, No. 21, dated the 15th July 1886, expresses an objection to levying a tax on the land for an experimental survey, but inasmuch as the experiment has now been made, and future operations of the kind will be conducted, not with the object of gaining knowledge for future use, but of effecting immediate good, by a tried agency, it will be for consideration hereafter whether proposals for similar surveys at the expense of the parties concerned may not be again submitted to the Government of India. The Lieutenant Governor, however, does not desire to bring the question to a definite issue on the present occasion, partly because inquiries are in progress as to the means by which the records of surveys may best be preserved, and partly for reasons connected with the extensive surveys now being conducted under the Bengal Tenancy Act, at the request and at the expense of the proprietors. On the first of these points, I am to remark that during the protracted discussion which has taken place on this important subject, all parties to the correspondence have adopted the view that, in the words of the Despatch of the Government of India to the Secretary of State, No. 8, dated 4th May 1886, “an elaborate survey and record of rights are a pure waste of money, unless due provision is made for keeping the information they furnish up to date.” Sir Rivers Thompson recommended in my letter No. 1011—409LR., dated 23rd March 1886, that the survey then in progress in Mozufferpore should be abandoned without delay in case no other agency for preserving its fruits could be provided than the existing putwaris, subject to their dual allegiance to Government and to the zemindars, even although adequate provision might be made by legislative and executive action for their supervision. This being the prevalent opinion, the stopping of the experimental survey followed the withdrawal of the Bill introduced in the Bengal Council for the better management of putwaris as a necessary consequence; nor can one of these proposals be consistently revived without

without the other being disposed of at the same time. The Lieutenant Governor at present awaits reports which have been called for on the subject of the possibility of improving the existing putwari system by measures less drastic than those contemplated in the Bill recently abandoned, and, while this question is under consideration, it is impossible to recommend that further surveys be initiated otherwise than at the request of those interested. It is, however, important to notice that the strong views expressed as to the uselessness of surveys without an independent village agency to keep their results up to date were not adhered to in the discussion as to the policy to be adopted in the survey of wards' estates—a correspondence which terminated with your letter No. 209, dated the 6th May 1887; and, though the Lieutenant Governor agrees with those who attach extreme importance to a proper machinery for maintaining as well as preparing a record, the argument is of less weight than was the case before the law made the delivery of receipts with full particulars of the holding compulsory. The record of rights framed after a survey made under the Bengal Tenancy Act is of direct use for many years, and indirectly it becomes the basis of all future arrangements, the law directing that, whenever a proposal may be made for enhancement, the existing rent must be considered equitable until the contrary is proved. Before the records have become obsolete by lapse of time, their place will, to some extent, have been supplied by the registered agreements for enhanced rents, and the detailed receipts prescribed by the Act. It may, therefore, be possible to recommend the making of surveys even where it is inexpedient, to provide for the permanent maintenance of village records by a Government agency. Whatever determination may ultimately be arrived at upon this point, the experience which is now being acquired by the officers engaged on surveys made on the application of the owners of the land dealt with cannot fail to be of use. Of these, the principal is that which Mr. Collin is making of the property of the Rajah of Banaili and of the Srinagar Ward, who possess 500,000 acres, held in equal shares. On these large estates, which greatly exceed in area the tract experimentally dealt with in Mozufferpore, an attempt is being made to create an indigenous agency by which future surveys may be effected at less expense, and with comparatively little friction. It seems only reasonable to deal in the first instance with land the owners of which appreciate the advantages of a survey, and are willing to pay the necessary expenses. The consideration that some proprietors may take advantage of the interval thus afforded to falsify their papers, and in particular the counterfoils of rent receipts, has not been overlooked; but it is a mistake to suppose that the Bengal Tenancy Act has afforded any additional facilities for the prosecution of such fraudulent designs. Mr. Collin's report affords ample evidence, if any were required, that the existing zemindari records, which furnish the materials on which any survey undertaken at present would be based, have in many instances been framed with the intention of supplying evidence in support of fictitious rent-rolls. What the new system of receipts does is to put some check on such conduct in certain cases, a check certainly not universal or complete, but which must often prove sufficient, as in the instance given in paragraph 76 of the report, where a false counterfoil was detected by a true receipt form.

I have, &c.
(signed) P. Nolan.

Enclosure 2, in No. 1.

From C. E. Buckland, Esq., Officiating Secretary to the Board of Revenue, L.P.,
to the Secretary to the Government of Bengal.

Sir,

No. 741A.—27 Octo' er 1887.

WITH reference to Mr. Macpherson's letter No. 2959—530 Agri., dated 19th September 1887, I am desired by the Board of Revenue to submit the Annual Report of the Director of the Agricultural Department, Bengal, for 1886-87, and at the same time to re-submit a copy of Mr. Finucane's letter No. 496T—A., dated 14th September 1887, with Mr. Collin's final report on the Mozufferpore survey (which were received with Government Order No. 77T—R., dated 5th October 1887), and to observe as follows.

Mr. Reynolds.

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2. The remarks of the Board on those chapters of the Director's Report which deal with such departments of his duties as fall under the head of Agricultural research have to a large extent been anticipated in the annual reports on the Land Revenue administration, and on the management of Wards' estates which the Board have already submitted to Government. Chapter I. of Mr. Finucane's report discusses the Mozufferpore survey, the operations in Angul and Nulchira, and the surveys in the Wards' estates of Sunkerpore and Chooramon. On these subjects the Board have little to add to their previous remarks.

3. The facts disclosed in Mr. Collin's report on the experimental survey in Mozufferpore present, as the Director justly observes, matter for very serious consideration. Mr. Finucane also thinks that the condition of the ryots in the surveyed tract is probably better than in other portions of Northern Behar. But the grounds upon which this opinion is formed are perhaps open to dispute, and some of the Director's conclusions do not seem to the Board to follow of necessity from the paragraphs of the report which are quoted in support of them. If the pressure of population on the soil is a main cause of the depressed condition of the ryots, this cause is not in operation throughout Northern Behar, as for example in the district of Chumparun. If there has been hardly any increase of cultivation since 1840, while the population during that interval has very largely increased, it is not the increase of population which has led to the cultivation of inferior soils. A population of more than 824 to the square mile is not found incompatible with a considerable degree of agricultural prosperity in Hooghly, and rentals in Hooghly are probably higher than in Mozufferpore.

4. The Board have no desire to palliate the grave abuses which inquiry has brought to light, or to appear to contemplate with indifference such proceedings of exaction and oppression as these reports depict. But they think, on the one hand, that the Director has taken somewhat too unfavourable a view of the actual condition of affairs; and on the other, that a survey and record of rights would have comparatively little effect in abolishing the evils which he so graphically delineates. The helplessness of the people, owing principally to their ignorance, is the real difficulty in Behar. In the case of rent receipts Mr. Collin's report shows how a scheme, which was intended for the protection of the rent-payers, has been fraudulently used to their detriment. And it is not difficult to see how a record of rights might similarly be made a foundation for further claims to enhancement. It is true that Mr. Collin, while admitting that settlements of rent would afford little or no protection to the ryot, expresses a strong belief that, if the existing rent is once ascertained and certified to the ryot, he will refuse to pay more, except under a decree of the Civil Courts. This, however, is only an opinion, and an opinion which is not, so far as the Board can see, supported by the past history of dealings between landlords and tenants in the district. It remains to be seen whether experience will show that the ryots, whose rents have been ascertained or settled under the recent operations, will maintain their right to hold their lands in accordance with the settlement. While therefore the Board agree with the Director in regretting that it should have been found necessary to suspend the further prosecution of the survey, they do not entirely accept his conclusions, or those of Mr. Collin, as to the beneficial results which might be expected from an extension of the work.

5. The remarks made in Chapter II. of the Director's Report relate to an area with which Mr. Reynolds is personally well acquainted, and he is able to confirm Mr. Finucane's observations on the agricultural capabilities of the tract.

6. Chapters IV. to VI. and Chapter IX. fall under the head of "Agricultural Improvement," and do not appear to call for any remarks from the Board. In Chapter VII. the Director has briefly noticed the subject of the preparation of price-lists of staple food-crops under Section 39 of the Tenancy Act. It cannot be said that the practical difficulties which surround this question have been completely overcome, or that the lists as now submitted to the Board effect the purpose intended by the Legislature of supplying such a record of the fluctuations of prices as will furnish the Courts with a trustworthy guide in deciding suits

suits for the enhancement or reduction of rent. The question, however, continues to occupy the attention of the Board, and they feel some confidence that the difficulties referred to will not be found insuperable.

7. The Board have learned with much satisfaction that the Secretary of State has sanctioned the continuance of the appointment of Director of the Agricultural Department, Bengal. They feel sure that the energy and intelligence which Mr. Finucane has displayed in the conduct of his duties will not only make him a valuable auxiliary to the Board in matters directly connected with land revenue and administration, but are also calculated to have a beneficial effect on the general progress of agricultural improvement in Bengal.

I have, &c.
(signed) C. E. Buckland.

Enclosure 3, in No 1.

From *M. Finucane, Esq.*, Director of the Agricultural Department, Bengal,
to the Secretary to the Government of Bengal.

Sir,

No. 496 T.A.—Dated 14 September 1887.

I HAVE the honour to submit Mr. Collin's final report on the experimental survey and settlement operations under Chapter X. of the Tenancy Act, on which he has been engaged in Mozufferpore.

2. The report is a very full and interesting one, and throws much light on the questions which it was intended to solve by the undertaking of these experimental operations. As I have already in my first or second annual reports expressed my opinion on many of the subjects dealt with in this report, it will probably be unnecessary for me to review at any length those portions of the report in which these questions are again discussed by Mr. Collin.

3. Regarding the depressed condition of the agricultural population in Mozufferpore and North Behar generally, the necessity for prosecuting a survey and record of rights in Behar without delay, the arbitrary and illegal manner in which rents have been and are being enhanced, the inefficacy of the Tenancy Act in its ordinary operation, without a survey and record of rights, to remove or alleviate the evils that exist there, the fallacy of supposing that the cultivation of indigo is now on a voluntary or commercial basis, on all these questions Mr. Collin's conclusions are substantially in accord with those already come to by me, which were stated at length in paragraphs 20 to 25 and 37 to 39 of my first, and in paragraphs 2 to 17 of my second, annual reports. It will therefore probably suffice for me in this letter to very briefly draw attention to the more salient facts mentioned by Mr. Collin in regard to these important questions.

4. In paragraphs 1 to 6 Mr. Collin gives a full account of the circumstances^s which led to the undertaking of the survey and record of rights in Mozufferpore as an experimental measure, and quotes the concurrent testimony of Mr. Worsley, Messrs. Geddes and MacDonnell, Mr. Norman, Sir Richard Temple, Sir Ashley Eden, and the Famine Commissioners as to the insecurity of tenure in Behar, and the very depressed condition of the peasantry in that province. He retraces the history of the discussions connected with the Tenancy Act, showing how it came about that after full consideration of the various measures proposed for remedying the state of things described, it was finally determined that the completion of a survey and record of rights would be the most, if not the only effectual, means of certifying to the raiyats the amounts of their existing rents, and of removing that ignorance of their rights which had prevented them from taking advantage of the various rent laws, designed for their protection, because, as Sir Rivers Thompson expressed it, "no matter how excellent and liberal the rights provided for by law may be for such a population as we have to deal with, it cannot be doubted that until a record of rights shall have been completed, the peasantry will, to use Sir John Strachey's words, remain the victims of chicanery and oppression, and

“our courts will be systematically made use of for the perpetration of injustice.” To all this testimony Mr. Collin now adds his own.

5. Regarding the depressed condition of the raiyats in the tract under survey, which, it is to be noted, so far as it differs from the rest of Mozufferpore and North Behar at all, only differs in this, that the state of the raiyats in it, for the reasons pointed out in paragraph 26 of Mr. Collin's report, is better than elsewhere, Mr. Collin shows (paragraph 3 of his report) that the absence of any direct intercourse between proprietors and their raiyats, owing to the system of thikadari leases, combined with the sub-division of estates, both of which causes have only come into operation, he adds, during the past 50 years, have resulted in a general disintegration of the village community; the recognised village officials have ceased to exercise any influence for the protection of the community from chicanery and fraud, and the raiyats are left to struggle unaided with the demands of vicarious landlords, who, he adds, illegally enhance their rents and deprive them of their lands, while the productive powers of the outlying inferior soils, which, owing to the increasing competition for land the raiyats are compelled to occupy, are, at the same time, diminishing. The facts mentioned in the report in support of these views may be summarised thus:—

- 1st. Redundancy of agricultural population amounting to 824 to the square mile (paragraph 8).
- 2nd. Lowness of wages of labour, amounting to only 1 to 1½ annas per day, for an agricultural labourer, 2 annas for a man and plough, and 4 annas for a man and cart, a pittance which, notwithstanding rise in price of food-grains and increased cost of living, has remained unchanged since the beginning of the century (paragraph 49).
- 3rd. Smallness of areas of holdings, averaging only three acres, in the possession of each raiyat (paragraph 41).
- 4th. Miserable housing of raiyats, and inferior diet used by them consisting of inferior millets, pulses, and sweet potatoes or yams, rice being only used by the wealthier classes (paragraph 10).
- 5th. Excessive rents, which have been brought about in an arbitrary and illegal manner (paragraphs 68 to 75).
- 6th. Extension of cultivation of indigo which, being carried on at a loss to the raiyat, cannot be voluntary (paragraphs 55 and 56).

6. As a consequence of the redundancy of population, all the culturable area, save 6 per cent. old fallow, which alone is kept for pasture land, has been brought under cultivation or is rented for thatching grass and groves, so that there is no margin left for extension of cultivation except the small area now reserved for pasture, while at the same time population is increased at the rate of 15 per cent. in the last decade, and is still increasing (paragraphs 27 and 30).

7. A further consequence of this redundancy of population is that rents have been illegally and arbitrarily enhanced out of all proportion to what is justified by law, and this illegal and arbitrary enhancement, as might naturally be expected with an increasing population, has gone on during the past 10 years, and is now going on to the same, or even to a greater extent, than was previously the case. The increase in rent-rates in one village named in Appendix F. is 314 per cent. since 1840, the average increase in 33 villages named in that Appendix is 137 per cent., and the average increase in 36 villages named in Appendix G. is 116 per cent. (paragraph 69); while the rise in prices during the same period is 29 per cent. (paragraph 70), and this great increase in rates is neither justified by extension of cultivation, which was taken into account in striking the rates, nor by improvement in productiveness of the soil (paragraph 69).

8. The system of periodically recurring enhancements has come into vogue only since 1840 (paragraph 68), when also began the system of indigo thikadari leases

leases (paragraph 9) and the process of enhancement has been worked within the latter half of this period with much greater vigour than before.

That the system of illegal and arbitrary enhancement is still in operation is shown by the facts mentioned in paragraphs 73 to 80 of Mr. Collin's Report, and in his remarks on Appendices F. and G. An examination of these Appendices will show that in village Kamtowl the rates all round were raised in 1876 and again in 1884 to 230 per cent. over the rates of 1840, in Burdaha by 46 per cent. since 1885, in Kinaru by 11 per cent. since 1880, in Balra Karum Chand by 90 per cent. since 1877, in Chowsewan by 65 per cent. since 1880, in Bishunpore Bhagwan by 16 per cent. since 1880, and in Panapur Khoord by 24 per cent. since 1883. A striking instance of the helplessness and ignorance of the raiyats is given in paragraph 72, where it is stated that an occupancy raiyat, holding at Rs. 3 per bigha, and entitled by law to hold at that rate yet took in the year 1884-85 a lease for three years, by the terms of which he agreed to pay Rs. 6-14 per bigha, to give up his land at the end of that period, and at any time during the currency of the lease, and, further, contracted not to build any house or cowshed or farm building on his land, or to dig a well or to plant trees, all of which things he is, it is true, entitled to do under the Tenancy Act, with or without his landlord's consent, and notwithstanding such agreement, but which he will not do and will not know of his right to do, unless his rights under the Tenancy Act are brought home to him by the prosecution of a survey and record of rights. A still more striking instance of the methods by which rents are being enhanced by landlords is mentioned in the same paragraph, where it is reported that the agents of a certain zemindar "were attempting to induce the raiyats to execute agreements " to pay enhanced rents. A number of Mahomedans refused, and the sub-manager, in November last, went to the village to reason with them. The day " after his arrival a case was put in against the Mahomedans for the slaughter of " a bullock. The case was found to be false. In February last a case was " brought against some other raiyats in the criminal courts. These raiyats " executed agreements (*sharahnamahs*), and the case was compromised. In " March an attempt was made before the Registrar at Mozufferpore to have a " *sharahnamah* registered, which the raiyats would not admit to have executed. " The Registrar found that most of the raiyats were not present when the deed " was said to have been executed by them, and that their signatures had been " written by the putwari. Again, in April another criminal case was filed " against a refractory raiyat, which was dismissed. This is, perhaps," adds Mr. Collin, " as good an instance as any that could be given of the operation of " free contract, by which the raiyat, in his generosity, voluntarily consents to " forego a part of the profits of his land."

9. That enhancements of rent out of proportion to what is justified by law are going on now in Behar, and have gone on for the last 10 years with as much rapidity as at any period within the present century, is a conclusion to which the evidence of all the facts elicited in the course of the present as well as in the course of previous special inquiries unmistakeably points, while there is not a single fact which can be quoted in favour of the opposite opinion. That these enhancements are not effected by enhancement suits is shown by the records of the Civil Courts, and that they are not being effected by voluntary and registered agreement, now, any more than before the passing of the Tenancy Act, is shown by the fact that the number of registered documents of the classes under which such agreements would come, has decreased since the Tenancy Act came into force.

10. Another fact to which attention may be invited in this connection as showing that the condition of the tenants has not improved in recent years is mentioned in paragraphs 55 and 56, where the opinion is expressed, and is supported by figures, that though indigo cultivation is carried on at a loss to the raiyat of from Rs. 3 to Rs. 6 per bigha, as compared with other crops, yet the cultivation of that crop is increasing.

11. Mr. Collin, it will be seen, expresses the opinion in paragraph 76 that these evils will not be remedied, to any appreciable extent, by the operation of the Tenancy Act without the enforcement of a survey and record of rights, and he points out that the provisions of the Act relating to the giving of receipts will not have the effect of removing the uncertainty that exists as to areas

of holdings or amounts of rentals, nor will the operation of these sections prevent illegal enhancements. He adds that receipts in the prescribed form are not being given by native landlords in general, and states that attempts are being made, of which instances are given in paragraph 75, to utilise the new form of receipt for the purpose of bringing about further enhancements of rent by entering in the landlords' half of the counterfoil a higher rent than has heretofore been paid. Further, it is stated that the postponement of the survey and record of right was declared by the Behar Landholders' Association to be desirable in order to give landlords more time to introduce the new form of receipt. If other landlords take the same view of their duty in connection with the introduction of the new form of receipt as has been taken by the proprietor mentioned in paragraph 75, who, it may be observed, is one of the most intelligent and best educated zemindars in Mozufferpore, such postponement would be tantamount to giving time to fabricate evidence of fictitious rentals, in the hope that these so-called enhanced rents, would obtain legal sanction under the survey and settlement proceedings, and would afterwards be realised with facility.

12. It is impossible to overlook or disguise the gravity of the facts summarised in the preceding paragraphs. They support and corroborate the conclusions arrived at by other officers possessing an intimate knowledge of Behar, and in my opinion they justify the conclusion, to which Mr. Collin has arrived, and which will be found stated in paragraph 101 of his report, namely, that "some such measure as a survey and record of rights is absolutely necessary, if the rights of the raiyats are not to be entirely confiscated, and if a system by which they have hitherto been deprived of more than half their legitimate share of the profits of their land is not to be perpetuated."

13. The experimental operations also show that there is no insuperable difficulty in the way of carrying on a survey and record of rights in Behar. Financial difficulties need not, in my opinion, stand in the way of carrying out this necessary work without delay. It is no hardship on the landlords, under the circumstances of the case, to ask them to pay half the cost, amounting to about four annas per acre, while the tenants would probably be only too glad to pay the other half.

14. I do not think that any remarks are here called for from me on the questions of statistics of cropped areas, the method of survey and record of rights adopted, and the improvements suggested in that method, further than to say that I agree with Mr. Collin's conclusions on all the points discussed in the report, save in some minor matters of detail, with which it is not necessary to encumber this letter.

I have, &c.
(signed) *M. Finucane.*

Enclosure 4, in No. 1.

From *E. W. Collins, Esq., c.s., Settlement Officer, Mozufferpore*, to the
Director of the Agricultural Department, Bengal.

No. 441, dated Mozufferpore, 18 July 1887.

I HAVE the honour to submit the following report regarding the survey and record of rights in Mozufferpore.

The report has been for some time under preparation, as I have found little time to devote to it, in addition to my other duties as joint-magistrate.

I have already submitted a report regarding the measures to be adopted for the maintenance of the records.

The accounts are not yet fully made up, and a statement of them will be submitted at the close of the month.

Enclosure 5, in No. 1.

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REPORT on the Survey and Record of Rights in Mozufferpore.

Object and reasons
of survey.

1. The survey and preparation of the record of rights was commenced in Mozufferpore simultaneously with the passing of the Bengal Tenancy Act in November 1885. It was intended as a means for the enforcement of the provisions of the Act, and for the benefit of all classes of occupiers or land by the preparation of a record which would ascertain and fix their rights and liabilities. It was an experimental measure which, if successful, might be generally extended throughout the Lower Provinces. There was, however, a special need for it in Behar, where the condition of the cultivators had long been admitted to be unsatisfactory. It was recognised that the depressed condition of the Behar raiyat arose not from any unfavourable conditions of soil or climate, but chiefly from the want of fixity of tenure and the constant liability to arbitrary enhancement of rents. It is needless to recapitulate all the information which was collected on this subject during the discussions on the Tenancy Bill. It is sufficient to say that the district of Mozufferpore has long been considered one of the least prosperous of Behar, and one in which the relations of the people to the land are least satisfactory.

2. So

2. So long ago as 1824 a Collector of Tirhoot, in commenting on the depressed condition of the peasants of the district, had remarked that the raiyats of the district were mere tenants-at-will who were obliged, from inability to resist, to pay whatever rents were demanded of them. In 1876, Mr. Worsley, who had had unrivalled experience of the district, reported that "the lower classes for the most part lead hand-to-mouth existences, and the lowest and poorest classes of all are visibly deteriorating in physique and strength." He added that "a thorough reformation in regard to tenant rights, and an enhancement of wages for common labour, are the things most needed in this district." So also Messrs. Geddes and MacDonnell, in a report dated 7th January 1876, stated that "the whole conditions of agricultural industry in Behar are such as to render it precarious. There is no sufficient certainty as to tenure. The people who plough and sow, and who ought to reap, have not a reasonable assurance as to the fruits of their industry." Sir Richard Temple had shortly before described the peasantry as "in a lower condition than that of any other peasantry with equal advantages which he has seen in India." Mr. Worsley, again, in his annual report submitted in 1877, described the condition of the people "as pinched and stinted, partly by reason of overpopulation and consequent low wages, and partly through the prevalence of the tikkadari system and insufficient protection which the rent law affords to the raiyats." He added that "the great desideratum of the district is an easy mode of proving occupancy rights," and described how, "owing to the omission to sufficiently protect the raiyats' interests, much of the profits which should have been theirs has been swallowed up by other classes." The result, he concluded, was that "in good years the majority of the raiyats enjoy a bare sufficiency of the necessaries of life, while in years of short harvests they suffer privations and sink deeper and deeper in debt." The great majority of landlords, with some conspicuous exceptions, he described as very grasping. "Their one object is to get as much rent as possible, and instead of being the protectors, they are usually the oppressors of the people." The condition of the cultivating classes has not materially altered during the last ten years, as may be seen from the report of Mr. Norman, the Collector, written in the year 1886. He says that "extreme poverty is undoubtedly the lot of the great majority of the inhabitants of the district. The prevailing poverty is accompanied by a degree of dirt and sordidness in the personal habits of the people, and of grinding penuriousness which I have not seen in other parts of India. The circumstances of the lower classes have approached dangerously to the limits of destitution, although the abundant harvests of the last few years have given decided and general relief."

Condition of the
Mozufferpore
district.

3.. The most conspicuous instance of the depressed condition of the cultivating classes in Behar was seen in the famine in 1874, when the people were found to be without resources or savings to enable them to withstand a failure of the year's harvests. The complete inability of the people of Behar to withstand a calamity which produced little effect in the more fortunate district of Shahabad naturally led to lengthy inquiries, and the first remedy suggested was a change in the Rent law applicable to Behar. This eventually widened into a resolution to introduce a new Rent law for the whole of Bengal, but it was seen at an early period that the mere introduction of provisions of law more favourable to the raiyats would be of little avail when such raiyats were so helpless and ignorant as to be unable to assert their rights out of court, or to go into court to enforce them. The Famine Commissioners pointed out that "where, as in Behar, the relations of landlord and tenant are those of a highhanded proprietary body on the one hand, habitually disregarding the law, and, on the other, a tenantry ignorant, very helpless, and sunk in abject poverty, it was the first duty of the Bengal Government to guard jealously against infringements of the law by the rich, and to put them down, as if they were offences against the public peace." Sir Ashley Eden had in 1876 described the raiyats in Behar as "poor, helpless, and discontented men, bound down to a state of extreme depression, tenants of the richest province in Bengal, yet the poorest and most wretched class that we find in the country." He pointed out that in Behar some ready means of enabling the raiyat to resist illegal distraint, illegal enhancement of rents, and illegal cesses, and to prove and maintain his occupancy rights, was most required. Again, in 1878, he pointed out the causes of the helplessness of the raiyats as due to the loose system of zemindari

Causes of the
introduction of the
Bengal Tenancy
Act.

accounts which prevailed in Behar, to the entire absence of leases and counterparts, and to other evils which placed the tenantry at the mercy of the landlords. He recommended the introduction of a simple and effective procedure "to enable a raiyat to maintain his right or occupancy when acquired, to hold his land subject to fixed condition of tenure, to be certified exactly of the amount which he would have to pay on it annually, to resist illegal distraint, illegal cesses, and illegal enhancements, and to have at hand a trustworthy record of demands and payments.

Necessity of some means for enforcing the provisions of Tenancy Act.

4. The Famine Commissioners had called attention to the fact that "the fundamental want in Behar, as regards security of tenure, is an authoritative record of existing rents, supplemented by effectual measures for the prevention of arbitrary enhancement of these rents." The Behar Rent Committee, appointed in 1876, composed of local officials, indigo planters, and zemindars, had gone further, and had recommended that landlords should be bound to file in a public office accounts showing the amount of each raiyat's rents and the area of his holding, so that some basis might be established for the settlement of rents and the determination of a raiyat's rights. These proposals were, however, not approved by the Bengal Rent Commission, and it was proposed to fix by legislation a maximum rent rate, based on the profits of cultivation, beyond which rents should not be enhanced, as a means by which some standard could be established. This proposal gave way to the suggestion that tables of customary or pergunnah rates might be drawn up as a basis for fair rents; but when this scheme was found to be impracticable, the plan of a cadastral survey and record of rights was adopted. It was considered that this would be the most effectual means of ascertaining and certifying to the raiyats their existing rents, and of removing that ignorance of their rights which had prevented them from taking advantage of the various Rent laws which had been passed for their benefit.

Benefits anticipated from preparation of a record of rights.

5. The benefits which it was anticipated would result from a survey and record of rights were fully explained by Sir Rivers Thompson in the debate on the motion to introduce the Bengal Tenancy Bill in 1883. He pointed out that such a scheme had been recommended in 1789 by Sir John Shore, and he quoted the report of Sir Henry Ricketts on the settlement of Cuttack, who wrote as follows in 1861: "Previous to the settlement of Cuttack, the province deteriorated each year; the people were discontented, and embarrassments and difficulties increased. Since the settlement the province has flourished; the inhabitants have been among the most peaceful and well-disposed of our subjects; there has been less agitation than in any other part of the Empire." As an illustration drawn from later years, Sir Rivers Thompson quoted a report from the Collector of Ghazipore, dated 15th December 1887, regarding the record of rights in that district (which is, like Mozufferpore, permanently settled). The report says: "We have had a record of rights for the last 40 years, which, though prepared with extreme haste, has been the touchstone of all rights. So far as tenant right is concerned, it is incontrovertible, for there is nothing to produce to contradict it. Both zemindars and tenants appeal to it on all occasions as the ultimate charter of their rights. The record prepared in 1840-41 has been the salvation of tenant's rights." Sir Rivers Thompson added that, "no matter how excellent and liberal the rights provided for by law may be for such a population as we have to take count of, it cannot be doubted that, until a record of rights shall have been completed, the peasantry will, to use Sir John Strachey's words, remain the victims of chicanery and oppression, and our courts will be systematically made use of for the perpetration of injustice." He quoted Sir George Campbell's words that "we shall probably have the whole question in our hands if we make an attempt to settle any considerable part of it; and we shall hardly be able to stop till we have made a settlement of Bengal, adjusted and recorded all rights and all incidents of tenure, and created a machinery for perpetuating and maintaining the record of rights." Sir Rivers Thompson concluded that the preparation of a record of rights would be a long process and probably expensive; "but the duration," he said, "and the cost, will be as nothing compared with the manifold blessings such a measure would confer on this province. It will be a permanent possession, restoring peace and preserving peace."

6. After

6. After a further inquiry during 1883 from all classes of people, the Government of Bengal reported (paragraph 33 of the letter dated 27th September 1883) that the provisions regarding the settlement of rents and records of rights met with but few, and those unimportant, objections at the hands of representative associations in Bengal, while most officers approved of them. Finally, in introducing the Tenancy Bill in 1885, the Honourable Sir Steuart Bayley gave it as his opinion that the preparation of a record of rights would, if wisely and discreetly carried out, prove the saving of the raiyat; while His Excellency the President of the Council said that there was an almost complete unanimity of opinion in the Council as to the utility of such a procedure.

Unanimity as to the advantage of such a record.

7. I have attempted to point out the circumstances which led to the commencement of the survey and record of rights and the benefits which were expected to accrue from it. The experiment was undertaken in Mozufferpore as a typical district, and proceeded satisfactorily for six months, when it was closed. The reasons for commencing such a work have been described, but the reasons for postponing it have not, so far as I am aware, been made public; but it is generally believed to be due to financial reasons, and the abandonment of the Patwari Bill, while some of the more influential proprietors believe that the efforts which they have been making for its closure have been successful.

Reasons for the postponement of the work.

8. The sudden abandonment of the survey, and the comparatively small area completed, renders it unnecessary to give any lengthened description of the work accomplished. The area selected for the commencement of the operations was in pergunnah Bissarah, and work was begun in Chukley Nai and tuppa Bhutsaleh of that pergunnah. This tract lies to the south of Mozufferpore town and extends to the east and west of the district. It is bounded on the north by the Little Gunduck river, and on the south by the Bya river and Chukley Gurjoul of pergunnah Bissarah. The tuppas contain an area of 505 square miles and 737 villages, with a population of about 824 to the square mile. The Government revenue is Rs. 1,57,386, and the rental, according to the road cess returns, is Rs. 7,72,621, or nearly five times the Government revenue. The estates are all permanently settled. Many have been recently settled, *i.e.*, between 1830 and 1840. These estates were originally held revenue free, but on insufficient titles, and they were resumed. In the latter settlements the whole of the assets were taken, less a deduction of 20 per cent. for the proprietors, and the village expenses at 5 per cent. In the original settlements, assets were only calculated on the actual returns of rent-paying lands, all rent-free lands being excluded. The Government also reserved the rights to abkari, *i.e.*, revenue from tari-producing palm trees, and in some cases to the Nimuksayar or saltpetre-producing lands and factories. These have since become separate branches of revenue, and the revenue is collected direct from the dealers or manufacturers.

History of the area in which the operations were commenced.

9. The principal feature of the district is the sub-division of estates, the number of which has risen since 1840 from 4,400 in Durbhungah and Mozufferpore combined to about 15,000 in Mozufferpore alone. In the 235 villages, the settlement of which was completed, there were 1,400 estates and 112 parts of estates separately held. Another feature is the system of short leases, and the absence of any direct intercourse between the proprietors and their raiyats. This system of leases, so far at least as leases to indigo planters are concerned, has only prevailed since 1840. These two causes combined have caused a general disintegration of the old village community. The recognised village officials have become obsolete, and the raiyats are left to struggle unaided against the increasing demands of vicarious landlords, who deprive them either of money or lands, and the failing powers of the soil. Since 1869 all executive control over land matters has been removed, and redress has only been obtainable from the civil courts. Since 1875 no attempt has been made to utilize patwaries for the submission of village accounts, and the putwaries have become altogether the servants of the landlords. As landlords under the system of leases and partitions are constantly changing, and as receipts for rent have seldom been given, the raiyats have gradually lost all means of proving their rights, and have become entirely at the mercy of the landlords, who have not failed to take advantage of their weakness.

Features of the area under settlement.

Condition of the
people.

10. The result is that the majority of the raiyats are in very wretched circumstances. They cultivate small holdings insufficient to support their families, and are dependent for their livelihood upon daily labour. In spite, however, of the rise of prices of food-grains during the century, the increase of population, which is calculated to have doubled itself since 1800, has kept the wages of labour at the same amount. The majority of raiyats are miserably housed. In some villages are to be seen the tiled houses of substantial cultivators of high caste, or of well-to-do peasant proprietors; but the villages ordinarily consist of clusters of huts thrown together without any attempt at arrangement or sanitation. The houses are seldom, as in Eastern Bengal, surrounded by a homestead. The surroundings of the villages and the roads leading to them are generally in a filthy condition. The main articles of diet among the poor classes are the inferior millets and pulses, and the sweet potato or yam. Rice is only used by wealthier classes.

Land tenures.

11. The land tenures are simple. Estates are leased for short periods, and portions of estates are sometimes let on perpetual leases. The only tenure-holders, other than thikidari lessees, or permanent lease-holders are holders of brahmator or rent-free lands, who have settled their grants of land with raiyats. Raiyats do not sublet their lands to any great extent, but they sometimes let portions of their holdings to under-raiyats with whom they divide the produce. The rents of raiyats are almost entirely paid in cash. The bhaoli system prevails chiefly for lands on which orchards exist, and the area so held in the 235 settled villages is 6 per cent. of the whole area held by raiyats.

Soil, &c.

12. The soil of the area settled is chiefly a sandy loam, while about one-third is a mixture of clay suitable for rice cultivation. The northern part of the tract is liable to inundations from the Gunduck river, and is not so fertile as the higher ground further south, and the rents are higher at a distance from the town of Mozufferpore than they are in villages immediately surrounding it. The district is well provided with bridged roads and village tracts, and there are local markets held in every third or fourth village. The part of the district in which settlement operations went on consists chiefly of high land, and is well wooded with orchards of mango trees and bamboo groves. The whole tract is highly cultivated. There are indigo factories with extensive cultivation. The Tirhoot State Railway passes through it from east to west with a branch from north to south. The rainfall is ordinarily plentiful. The people are industrious, law-abiding, and submissive to authority. There are thus all the elements of prosperity. The pergunnah, however, is in no better position than the rest of the district, the condition of which has been fully described in the first paragraphs. An excessive population of 824 to the square mile, and a lax system of tenant right have combined to deprive the people of their share of the advantages which nature and civilisation might otherwise have bestowed upon them.

Progress of survey
and settlement
operations
Demarcation of
village boundaries.

13. The progress of survey and settlement operations was not marked by any special incidents. I arrived at Mozufferpore at the close of September 1885, and commenced the demarcation of village boundaries in October. This work lasted till about the middle of January 1886, when the demarcation of the village boundaries of Chukley Nye and tuppa Bhutsaleh, of pergunnah Bissarah, and of pergunnah Gudeshur, comprising 916 villages with an area of 566 square miles, had been completed. The trijunctions of villages were marked out with square pillars of Mirzapore stone. The demarcation was carried out without difficulty, with the help of the old revenue survey maps and the village officials. As it was doubtful if the survey would be continued in the succeeding year, the further demarcation of village boundaries was stopped, but during the early part of 1886 the trijunctions of all villages in Chukley Gurjowl and purgunnah Rutti, amounting to 892 villages, with an area of 555 square miles, were marked out with stone pillars, so as to be ready for the professional survey of village boundaries. It was found that, with the help of the old survey maps, the professional surveyors could map out the external boundaries of villages without previous demarcation, if the Settlement Department had previously marked out the trijunctions of villages. Without sheets showing the external boundaries, as ascertained after professional survey, it was impossible to commence the interior

interior survey, and therefore it was necessary to have a considerable area with external boundaries of villages professionally surveyed in advance.

14. The professional survey of boundaries commenced in the middle of October, and by the end of April the surveyors had completed an area of about 700 square miles, comprising 1,356 villages. Professional survey of boundaries.

15. The demarcation of the village boundaries led to 350 disputes out of the 916 villages. The greater proportion of these were of a petty nature involving claims to narrow strips of waste land or to roads, and in few cases did the dispute extend to cultivated lands. All such disputes were disposed of on the basis of possession, or, where no proof existed as to possession, the old boundaries as laid down in the revenue survey maps of 1846 were followed. Of the disputes, 230 were disposed of before the operations closed. The rules directed that, where a dispute existed, the disputed tract was to be marked out on the ground, and afterwards, when the survey amin had been to the villages and had made a map of the disputed ground, the settlement officer could decide the dispute. A great number of the disputes were settled by compromise; a few were hotly contested, and were disposed of after hearing evidence. In five cases appeals were made from the decision of the assistant settlement officer to myself, acting as a collector under Act V. (B.C.) of 1875. In the pending cases the villages have not been mapped by the survey amin, and therefore no settlement was attempted. The reason for the insignificant character of the boundary disputes is probably to be found in the fact that little uncultivated ground remains in the district, and thus there could be seldom any object in disputing the boundary, or difficulty in deciding whether fields were in the possession of the raiyats of one particular village or another. Boundary disputes.

16. The cadastral survey party was in charge of Colonel Barron, deputy superintendent of survey. They commenced field work in December, and continued working till nearly the end of June, when an area of 413 square miles had been cadastrally surveyed. On the receipt of orders in July, directing the abandonment of the work for the present, the survey department gave up all field work, but continued to complete the records of surveyed villages till they left Mozufferpore in October. The work was at first slow, as the party had, to a great extent to be locally organised. The average number of amins employed for the first month was 93, and it was not till March that a full field party of 150 amins had been collected. The amins who formed the nucleus of the party were men from Burmah, and only a few of them could read and write Hindi, and none of them had had any experience of writing a khasra. The Inspectors were up-country men without a knowledge of Hindi, and had to adapt themselves to the new systems of tenure in Bengal. Again, the rules and forms were not finally settled till January, and definite instructions could not be issued till then. Other difficulties arose from the absence of village putwaris and the minute sub-division of estates. Landlords had their own private putwaris, but they were often in charge of several villages, or parts of villages, and it was found impossible to avoid the survey of several of such villages simultaneously with the help of local Jeth raiyats or village headmen. When all these difficulties are considered, the outturn of cadastral work for the first year must be considered satisfactory. Operations of the cadastral survey party.

17. The Survey Department began to make over the records of villages to the Settlement Department in March 1886, and by the end of October the records of 552 villages, with an area of about 300 square miles, had been received. Of this amount, the attestation and record of rents was completed in 356 villages with an area of about 155 square miles. It was not to be expected that the Settlement Department would keep up with the survey during the hot weather and rains, especially as the records of a connected area could not be given, and much time was spent in moving about from one village to another. Up to the end of April I had the assistance of one settlement officer. Baboo Barumdeo Narain joined the office in May. During the hot weather and the rains, the work of attestation and record of rents was carried on locally, the Settlement Officers camping at or near the villages under settlement. In the middle of November, under the orders of the Government of Bengal (received with your letter No. 1129, dated the 16th November), further progress was finally stopped, and it was ordered that only those villages, the

Extent of area in which the settlement was completed.

draft records of which had been finally published under the first clause of section 105 of the Tenancy Act, should be finally completed. As said before, the attestation of records had been completed in 356 villages, and rents had been recorded in 43,778 holdings; but the draft records of only 235 villages had been published. These 235 villages comprise an area of 56,588 acres or $88\frac{1}{2}$ square miles. The disposal of objections and the publication of these villages has now been completed, and the records are being made over to the Collector's record-room:

Method of conducting the survey.

18. The cadastral survey was conducted on the principles approved for the survey of the districts of Benares and Gorakpur in the North-West Provinces. The Survey Department, in addition to preparing the village maps, wrote up the khasra and part of the khatians. They recorded the areas of holdings and facts of undisputed possession and occupation, with information as to crops grown and irrigation. Where disputes appeared, they recorded the fact of such dispute for the decision of the Settlement Officer, and left the record blank. The system adopted in Mozufferpore differed in some respects from that in force in Gorakpur, in that the survey officers made no inquiries as to length of occupation of raiyats; nor did they record the rates of rent for each field, nor the rentals of holdings, and except for dividing the soils into two main divisions of upland and rice land, they made no inquiries into classes of soils. They further made no attempt to distinguish between the different classes of proprietor's private lands. It will thus be seen that the work undertaken by the Survey Department in Mozufferpore was considerably less than in the North-Western Provinces, where such matters are capable of determination by reference to old records which do not exist in Behar.

System of measurement.

19. There was also a difference in the system of measurement. The system introduced by Colonel Barron was adopted with this difference, that measurements were made not with a Gunter's chain, but with a chain sub-divided into decimal parts of a linear bigha, and were plotted to scale in bighas. Thus, by the use of a scale, the area of fields could be extracted on the spot, and the raiyats could be informed at once of the areas of their fields, instead of having to wait till the areas had been converted to local standards in the survey office. It is obvious that if areas according to local standards can be extracted on the spot, and if such areas can be accepted, there will be a great saving in office work, and the people whose fields are measured would be more attracted by the survey if they learnt at once the areas of their holdings. Under this system, mistakes could be at once brought to light and corrected. The system, however, implies considerable skill and honesty in the amins, and Colonel Barron was not able to accept the areas extracted on the spot without again testing them in the office.

Standard bighas adopted.

20. A saving of labour was, however, effected by plotting the maps to scale in bighas instead of acres, as the necessity of reducing acres to standard bighas and local bighas (which has sometimes been found necessary) was avoided. The need of representing areas in acres for statistical purposes is met by the conversion of totals only. Again, in the Mozufferpore survey there was found to be no necessity to represent areas otherwise than in standard bighas of the pergunnah.

Standard of measurement adopted.

21. A pole of $6\frac{1}{2}$ cubits, equal to 9 feet 9 inches, was adopted as the standard of measurement, chiefly because it was so recorded in the revenue survey maps of 1847. The prevailing standard of measurement is, however, strictly speaking, a pole of 6 cubits and 6 fingers, and it is with this standard that all village measurements are made. It is used for butwarra measurements, and I find that it was used in some land revenue settlements of resumed estates in the years 1830 to 1840. The standard is more explicitly given in Government papers as 6 hâths and $4\frac{1}{2}$ inches, that is to say, the 6 fingers are explained, but the equivalent of the cubit is not given. In zemindari measurements the standard is generally prepared for the occasion, and is measured by the length of some selected man's forearm and fingers. Now it was obvious that, in a settlement under the Tenancy Act, it was of great importance to clear up the question of the standard of measurement, for under the Act existing rents are presumed fair, but may be altered on proof of the raiyat's occupying a larger area than was originally settled with him. It was easy enough to find out the

area

area which he was supposed to hold in the zemindari accounts; but in order to find out how much that differed from the area ascertained in the present survey, it was necessary to find out how the former area had been ascertained. The proprietor would say that the land had been measured with a pole of 6 cubits and 6 fingers, but what this exact length was could only be determined by actually measuring the pole used. To disregard the fact that the pole used by the zemindar was not measured by a scientific standard would lead to serious injustice if it was now assumed that it represented a length of 9 feet 4½ inches, as against the standard pole of 9 feet 9 inches. I therefore made inquiries into the matter, and measured a number of poles which were actually in use in the villages, and which were said to be the standard length of 6 cubits and 6 fingers. I found that they varied immensely from 9 feet to 10 feet, and that the majority were rather over than below the Government standard of 9 feet 9 inches. Having arrived at these facts, it was considered unnecessary to make inquiries into the length of the pole in every village, and all measurements were shown in pergunnah bighas of 4,225 square yards, which is .8727 of an acre. If any landlord wished to obtain an alteration of rent on account of alteration of the area of the holding, he would have to prove such alteration of area, and the first thing to prove would be the length of the pole according to which the original measurement was made. He would probably find it difficult to prove this, and the standard pole would be accepted. As such cases would not be brought except where there was a considerable excess of area, he would probably be content to waive the small difference of poles, and would accept the standard pole. The result was that the standard pergunnah bigha was universally accepted, and in no case was any attempt made to prove that the area so ascertained was incorrect. This procedure would have had the effect of introducing general and accurate standards of measurement in the district, and would have done away with the constant disputes that always take place before any measurement of land, as to the standard of measurement. It also lessened the labour of survey by obviating the necessity of converting standard into local bighas.

22. The unit of measurement was the field, which was described generally in the rules as the plot separately assessed to rent, under existing arrangements, and in the occupancy of the same raiyat. It was found necessary to extend this definition slightly, so as to separate fields held at different rates, or of different soils, or cultivated with different crops. Care was also taken in the case of large plots of indigo lands to separate the fields of raiyats which had been sublet by the raiyats to the factory, so that the raiyats might be able to identify and reclaim their fields if the indigo cultivation was abandoned.

Unit of measurement.

23. The average area of the field was found to be .45 of a bigha, or .39 of an acre. Thus there would be 1,640 plots in a square mile. It was found that there were about 350 jumabundi slips per square mile.

Average size of fields.

24. Regarding the accuracy of the measurements, I found that the areas given were almost universally accepted, that they corresponded with what the raiyats understood, and that, when a raiyat was informed of the extent of his holding according to the survey measurement, he recognised it as correct. In the case of a few fields, regarding which there were complaints, I directed a remeasurement, but the extent to which the measurements were accepted is proved by the fact that out of the area of 89 square miles completed by the Settlement Department, in only two cases were the costs of a remeasurement deposited, and these deposits amounted to Rs. 7 only. In one instance a proprietor applied for the remeasurement of his estate (about 10 bighas), but this was done more with a view to contest the standard of measurement than because he contested the areas given. In a few instances inaccuracies have been pointed out, but it was generally found that these were due to clerical errors. A charge was brought by the Secretary to the Behar Landholders' Association that the measurements were generally inaccurate, but this was unsupported by any evidence, and was utterly without foundation. In fact, the Secretary, when bringing forward this charge, admitted that the zemindars did not trouble themselves about the measurements, and that the raiyats were content with the areas recorded. It follows that the measurements must have

Accuracy of the measurements.

been fairly accurate. The fact that the settlement or record of rents was to be made on the basis of existing rents, and that they were not to be readjusted to the new areas in accordance with a scale of rates, is perhaps sufficient to account for the general acceptance without dispute of the areas recorded. In my opinion all that is required in a settlement of the nature undertaken in Mozufferpore is an index map to show the position of fields without an elaborate survey, and an attempt at exact measurements of fields.

Procedure of the
Settlement
Department.

25. It will be convenient here to describe shortly the system adopted for the preparation of the record by the Settlement Department. Before the survey commenced, the Settlement Department carried out the demarcation of village boundaries, and prepared the khewats or records of proprietary titles. On account of the minute sub-division of estates, this was a work of great difficulty. The basis of these records were the registers prepared under the Land Registration Act in the Collector's office. These registers, however, were incomplete, as may be gathered from the fact that out of 438 villages the Collectorate registers were inaccurate in 334. Under the rules, the landlord in possession was recognised, even if his name was not registered in the Collectorate register. No difficulty was experienced in ascertaining who was the proprietor or landlord in possession, and no complications arose from this procedure. In all cases, reports were sent to the Collector to enable him to take necessary action to correct his registers. The Survey Department, as before described, supplied the khasra in full, except for blanks in cases of disputes, and the jummaundi slips in part. The khasra contains no information as to the status of the raiyats, nor as to the rental, nor as to the rates of rent of each particular field. The jummaundi slips give an abstract of the fields and the area of the fields in the occupation of each raiyat or other cultivator. These papers with the maps and the lists of disputes were made over to the Settlement Department, whose duty it was to explain and verify the entries and to record rentals, the status of the raiyats, and other incidents of the tenancy. A clerk was first deputed with the record to the village to attest it locally in the presence of the parties, and also to make inquiries into the disputes reported by the survey department. After the lapse of a sufficient interval the Settlement Officer either went to the village or called the people to some place near it, and proceeded to record rents. The people of three or four villages were usually collected each day, and rents entered according to the statements of landlord and tenant. When this had been done, the Settlement Officer went through the record attesting the entries, after comparing them with the raiyats. He also decided such disputes as could be at once disposed of, and recorded the status of the raiyats. If any dispute could not be at once disposed of, an adjournment was allowed for the production of evidence. When all disputes had been decided, the draft record was copied, and one copy was made over to the village officials, and each raiyat was given a copy of his jummaundi slip. Objections were received if filed within 30 days, and on these being disposed of, the record was considered complete. A final copy was published in the village, while a second copy was made for deposit in the Collector's office. There were of course many subsidiary processes necessary for securing that the record was accurate in all its details, and it was my chief labour to introduce a proper system by which this might be done. As very few officers or clerks had any experience of settlement work on a large scale, it was difficult at first to establish a system, and work was consequently slow. Had the operations been continued when the system had been completed, the rate of progress would have been much accelerated.

The results of
survey are not to be
relied upon as
typical of the
district.

26. I will now turn to the results of the survey and settlement, and the information to be derived from it. As said before, the record of rights was completed in 235 villages, comprising an area of 56,588 acres or 88½ square miles. This area, however, is scattered over the whole of Chukley Nye, pergunnah Bissarah, which contains an area of 267 square miles. It will be seen therefore that, for statistical purposes, the results which have been obtained will be of very doubtful value. It would not be safe to take the particular villages which have been completed as typical of the whole of a pergunnah. For instance, it is probable that, as these villages were those which were first surveyed, so they will be found to contain a larger area of upland than other villages surveyed at the close of the dry season. Again, so far

far as I know, the villages do not contain any in which an indigo factory with its wide stretch of zeraiis is to be found, and thus the statistics of indigo cultivation will be defective. With regard to rents and disputes, it is certain that the villages first taken in hand were the quiet ones in which rents were low and disputes few, and thus any generalizations on the experience of these villages will be unsound. In addition to this, I have been unable to procure any materials for making comparisons between the past and the present. It is well known that reliable records or village accounts of past years do not exist, at least in an accessible shape. I believe that landlords do keep such accounts, but they are very unwilling to produce them, and often when produced they are not of a trustworthy character. Even in the old settlement records, when putwaries were kept under more control, it is generally found that the Settlement Officer has rejected the putwaries' accounts as fictitious. I attempted at first to compel the landlords to produce their old accounts for purposes of comparison, but I found it a hopeless task. They were often in the Civil Courts, or could not be produced without great inconvenience, and it did not appear worth while to give trouble in order to obtain papers which could not be treated as trustworthy. As each village was settled inquiries were made into its past history, and especially into the history of rates and the rise of rents; but it was often difficult to extract information, and I thought it would be unwise to press these inquiries, as they seemed likely to excite the ryots, and to give them the idea that rents were to be reduced back to the old rates. Village histories have been prepared, but they are not as full as I should wish them to be. For all these reasons I have not been able to draw up this report in the shape prescribed in the Board's Rules--rule 39, chapter II. I have, however, appended the prescribed statements showing statistical results, and I proceed now shortly to comment upon them.

27. The first statement is the milan khasra, a statement showing the statistics regarding the cultivation of the land, Appendix A. I have appended the full statement, and I give here an abstract showing the percentage of the different kinds of lands.

Statistics regarding cultivation.

A.

Abstract of Statement showing the Classification of the Area by Cultivation.

	Acres.	Percentage on Total Area.	Percentage on Uncultivatd Area.
Total area :	56,588		
Cultivated area - - - - -	44,202	78 per cent.	
Uncultivated area - - - - -	12,386	22 "	
Uncultivated area :			
Culturable - - - - -	8,859	15 per cent.	71 per cent.
Unculturable - - - - -	3,524	7 "	29 "
Details of culturable area :			
New fallow - - - - -	254	44 per cent.	2 per cent.
Old " - - - - -	3,637	64 "	29 "
Thatching-grass - - - - -	1,756	3 "	14 "
Orchards - - - - -	3,018	53 "	24 "
Other lands - - - - -	89	16 "	72 "
Details of unculturable area :			
Village site - - - - -	627	110 per cent.	5 per cent.
Tanks and rivers - - - - -	522	9 "	4 "
Jhils or chowrs - - - - -	452	8 "	36 "
Government roads - - - - -	343	6 "	27 "
Other roads - - - - -	1,065	185 "	85 "
Other kinds - - - - -	516	9 "	4 "

Abstract of Statement showing the Classification of the Area by Cultivation—continued.

	Acres.	Percentage of Cultivated Area.	REMARKS.
Classification by soil :			
Upland - - - - -	30,687	62.5 per cent.	
Rice land - - - - -	13,514	30.5 "	
Irrigated area - - - - -	633	2 "	
Non-irrigated + - - - -	43,569	98 "	

Extent of cultivated area.

28. The area cultivated is 78 per cent. of the whole area. From the cultivated area I have excluded land under thatching-grass (3 per cent.), and the land under orchards (5.3 per cent.), which are in a certain sense cultivated lands, but which are generally excluded from them. This result differs from previous estimates which have been formed. In 1876 Mr. MacDonnell in his work on Food-grain supply in Bengal, page 78, estimated that the cultivated area is 73 per cent., and the uncultivated 27 per cent. of the gross area. In 1878 Mr. Worsley estimated the proportion to be 90 to 10.

Progress of cultivation.

29. I have no reliable figures for comparing the progress of cultivation in late years, but, so far as I can judge from the figures given in old records of measurement, cultivation appears to have advanced gradually between the years 1800-1830, but has not increased very much since 1840. In 1802 the Collector of Tirhoot estimated that the cultivated land was 66 per cent. of the whole area. In 1821 a return of the areas of 18 villages in this pergunnah shows that the cultivated area was 69 per cent. of the whole area. The following are the details of five villages which were surveyed and permanently settled between 1830 and 1840, showing the increase of cultivation between that period and the present survey—

VILLAGES.	OLD SETTLEMENT.				PRESENT SETTLEMENT.		
	Date.	Area Cultivated.	Culturable.	Not Culturable.	Cultivated Area.	Culturable.	Not Culturable.
		Bigahs.	Bigahs.	Bigahs.	Bigahs.	Bigahs.	Bigahs.
Mobarukpur - - -	1833	230	36	24	280	38	12
Mahomedpur Moshtaq -	1838	225	61	19	232	65 (1)	14
Nund Lalpur Loka - -	1839	254	14	24	238	29 (2)	16
Az Rukbeh Nyamutpur -	1840	178	50	23	186	31	18
Gunnipur - - - -	1841	239	16	52	153	103 (3)	43

(1) Of this 33 bighas are orchards. (2) Of this 11 bighas are orchards. (3) Of this 86 bighas are orchards.

On the other hand, the figures for ten villages which I have been able to obtain from the settlement records show that since 1835 there has been an increase of 3 per cent. only in the cultivated area. If this be any criterion, it would show that from 1800 to 1830 the increase of cultivation was 9 per cent., and that during the last 50 years it has only been 3 per cent. It is probable that the increase of orchards, which are reckoned as non-cultivated, should be set against the increase of cultivated land. These figures are chiefly of interest as showing that, if the rental of the pergunnah has increased during the last 100 years, it is for the other reasons than the increase of cultivation which has on the whole been small, and probably not more than 12 per cent. of the whole area.

Classification of uncultivated area.

30. Of the uncultivated area 71 per cent. is culturable and 29 per cent. unculturable. Of this culturable area 38 per cent. is cultivated, viz., under thatching-grass 14 per cent. and under orchards 24 per cent. The area of what is called old fallow is 6.4 per cent. of the whole area surveyed, and 29 per cent. of the uncultivated area. It is evident therefore that there is very little room for a further advance of cultivation, and that a margin of 6 per cent. of inferior

inferior land is insufficient for a population which increased 15 per cent. in the last decade. The area of old fallow is also all that remains for pasturage, except what the cattle can pick up in the groves or on the sides of roads. This pasturage is of very indifferent quality, and is supplemented by what the herdsmen can scrape up on the roads, Government or private, which cover an area of about 11 per cent. of the uncultivated area. Although the want of pasturage must be severely felt, there is not, so far as I know, any real scarcity of cattle-food, as grass is always to be found at most seasons of the year, and when it fails in the hot weather, wheat and barley straw supply the deficiency. Cattle are also taken to the pasturages on the banks of the Kosi in Bhagulpore and Monghyr. Cattle are severely worked in the district. Besides the preparation of the raiyats' lands, there is the cultivation of the landlords' lands, preparation of indigo lands, carrying of the indigo crops, and journeys to the north-east for grain.

31. It will be seen that the amount of new fallow, *i.e.*, '44 per cent. of the whole area, and 2 per cent. of the uncultivated area, is very small. The approach of the survey, which was not to affect the revenue, had no effect in throwing lands out of cultivation. The area is small, chiefly because the survey took place in the cold weather, when very little land is uncultivated. It is in the rainy season that lands are allowed to be fallow for special crops, but the smallness of the holdings and density of the population allows little opportunity for fallow lands. New fallow.

32. The area under orchards is considerable, *viz.*, 5·3 per cent. of the whole area, and 24 per cent. of the uncultivated area. In Mr. MacDonnell's compilation on the Food-grain supply of Bengal, 1876 (page 79), the area under orchards is calculated at 11 per cent. of the uncultivated area. It is not easy to believe that this area has doubled in the last 10 years, and it was probably under-estimated. As far as I can gather from old survey records, the orchards of the pergunnah have increased considerably in the last 40 years. I could give instances in particular villages, but unless the facts of a large number of villages are given, the results would be misleading. It is said that the price of wood for fuel has increased in the interior of the district, but this is chiefly on account of the increased demand; while there is always an unwillingness to cut down groves. I do not, however, find that the price of firewood has increased in the district in recent years. The fortnightly price lists of 1875 differ only slightly from those of the present year. Orchards are looked upon as a means for securing possession of land. The custom that all groves planted by raiyats become bhaoli after five years, or when the trees begin to fruit is also dying out, and the cultivators are claiming full rights in the orchards planted in their rent-paying lands. All these facts considered, I am of opinion that, in spite of the increased value of fuel, the area of land planted with orchards is not diminishing. I would refer to the statistics of the villages given in paragraph 29 as a proof of this fact. Orchards and supply of fuel.

33. Land upon which thatching-grass (locally known as kharowr) grows is 3 per cent. of the whole area and 14 per cent. of the cultivated area. This land is valuable, and is generally rented at Rs. 4 a bigha, whereas it used formerly to fetch only 8 annas to 4 annas. The grass is used for temporary huts and for sheds for cattle in the cold weather as well as for thatching houses. Lands planted with thatching grass.

34. Mr. MacDonnell calculated village sites to be 7 per cent. of the uncultivated area, whereas in this survey they were found to be 5 per cent. As a matter of fact, the houses of the raiyats are often much scattered, and have been calculated in the fields in which they stand, and not separately as village site. This dispersion of the inhabited portion of the village made the survey work more difficult than it otherwise would have been, if the village site could have been shown as a block. Village sites.

35. The only other feature in this statement is the area under roads. The district is well supplied with Government and village roads; the latter, however, are seldom repaired, but carts can always pass along them, and they are also serviceable as grazing ground for cattle, or as land from which a supply of grass may be scraped off for their food. Roads.

Classification of
soils.

36. No attempt was made to classify the different soils, but they were divided into rice land (dhanhur) and upland (bhit). These were subdivided into lands of first class, second class, and so on ; but as the record of rents did not depend upon the classification of soils or upon rates, but upon existing facts, no particular attention was given to this subject. The classes of soils are to be found in the revenue survey records of 1846-47. In the villages of which records have been completed, the upland was 69·5 per cent. of the whole area, and the rice land 30·5 per cent. From the crop statistics, however, it appears that there were rice crops in a larger area than is recorded as rice land, and probably the amins recorded land in which gram or linseed crops had been sown after rice, as upland. The difference, however, is not very great. The proportion now ascertained of upland to rice-land is very different to that given by Mr. MacDonnell in his compilation, where upland is only 37 per cent. of the whole. It is probable that, for the reasons given in paragraph 26 of this report, the result of the survey in a few villages cannot be accepted as a test of the whole area of the pergunnah. In order to get a better idea of the real division of the soil, I have shown in Appendix K. the results of the survey in 48 villages, which all lie together to the west of Mozufferpore, and are marked in Circles B and C of the map.* It will be seen that the cultivated land is 75 per cent. of the whole area. Of this 32 per cent. is rice land. The area under orchards is 6 per cent. of the whole area and 37 per cent. of the uncultivated area. The culturable area is 18 per cent. of the whole area, and the non-culturable 7 per cent. I do not, however, attach any special value to these statistics.

Irrigation.

37. There is scarcely any irrigation in the area for which records are completed, and only 2 per cent. of the lands are irrigated chiefly from wells. There are 566 masonry wells and 56 earthen wells recorded. The lands so irrigated are almost entirely poppy lands. The rainfall of the district is generally sufficient for cultivation, and where it is not, the streams and tanks are too dry to be of service. There is a tract of soil called “ bangar ” in the pergunnah, the lands of which always require irrigation, but these villages do not appear to have been among those which were completed.

Classification of
area by fiscal
arrangement.

38. The statement, Appendix B, is a classification of the area by fiscal arrangement. It shows the revenue-paying and revenue-free area and the rent-paying area under each head. I append an abstract of the statement.

B.

Abstract of Statement showing the Classification of Area by Fiscal
Arrangement.

I.—REVENUE-PAYING.

	Acres.
Rent-paying:	
Cultivated	33,313
Not cultivated	5,009
Total Rent-paying	39,233
Not rent-paying, cultivated:	
Held by proprietors as sir or otherwise	7,791
Ditto brahmatakdars, &c., rent-free by gift	1,425
Ditto in lieu of services as a garait pasban	194
Ditto ditto not cultivated:	
Held by proprietors	6,847
Held by raiyats	818
Total not Rent-paying	17,080
Total Revenue-paying	56,315

* Not reproduced.

II.—REVENUE-FREE.

	Acres.
Held by proprietors, Rent-paying :	
Cultivated - - - - -	38
Not cultivated - - - - -	25
Total - - - - -	64
Held by proprietors, not rent-paying :	
Cultivated - - - - -	69
Not cultivated - - - - -	53
Total - - - - -	123
Occupied for public purposes - - - - -	240
Total Revenue-free - - - - -	428
GRAND TOTAL - - - - -	56,743

There was only one small village held revenue-free among the completed villages, and this added to the land occupied for public purposes (240 acres of roads and railway) makes the area revenue free '07 of the whole area. The rent-paying area is '69 of the whole area. The rest of the figures in this statement will be commented on when the statement of holdings is considered. It is only necessary to remark here that the lands held as religious grants by brahmins and fakirs are about one-fortieth of the whole, while the area held by service tenure is insignificant. The holdings originally in the possession of garaits or village watchmen were to a great extent resumed when the village chowkidari system came into force.

39. In Appendix C. is given a statement of holdings in the completed villages, and I annex the following Abstract, which shows the percentages of the different classes of holdings. Classification of holdings.

C.

Abstract of Statement of Holdings.

	Number.	Area in Acres.	Percentage on Total Area.	Percentage on Rent Free Area.
AREA HELD RENT FREE.				
Cultivated by Proprietors.				
Sir - - - - -	1,099	3,383	6.66	34 per cent.
Cultivated by Proprietors, but not Sir - - -	1,479	4,547	9.26	45 "
Rent-free Grants from by Proprietors - - -	1,702	1,972	4.1	19 "
Total - - -	4,280	9,943		
AREA RENT-PAYING.				
Held by Raiyats at Fixed Rates.				
Resident - - - - -	1,551	2,738	} 6 per cent.	8.5 per cent.
Non-Resident - - - - -	376	484		
Held by Settled Raiyats.				
Resident - - - - -	17,052	26,851	} 70 "	87 "
Non-resident - - - - -	5,187	7,277		
Held by Occupancy Raiyats, but not Settled.				
Resident - - - - -	75	141	} 5 "	1 "
Non-resident - - - - -	93	137		
Held by Non-occupancy Raiyats.				
Resident - - - - -	995	739	} 3 "	3.75 "
Non-resident - - - - -	737	762		
Total - - -	26,066	39,133		
GRAND TOTAL -	30,346	49,076		

Statement of Number of Raiyats.

	Number.	Percentage.
Raiyats at fixed rates - - - -	1,927	7·4 per cent.
Settled raiyats - - - - -	22,289	85·31 „
Occupancy, not settled - - - -	168	·04 „
Non-occupancy raiyats - - - -	1,732	6·64 „

Area held by proprietors as zeraits or otherwise.

Indigo zeraits.

40. The area held by proprietors or thikadari lessees is about 16 per cent. of the whole area, and of this less than one-half has been recorded as proprietors' private land. The rest is cultivated by proprietors and lessees, but does not come within the definition of Chapter XI. of the Tenancy Act. The area held by proprietors has considerably increased. Owing to partitions, peasant proprietors have come into possession of their own lands, while indigo factories, taking leases of villages, extend the area of zeraits. Great care was taken that such lands should not be recorded as proprietors' private lands. As a matter of fact, a large proportion of them have been formed out of raiyats' lands. When a village is leased to a factory, the ordinary procedure is to calculate the area of land to be given up by the raiyats for indigo at the customary rate of three cottas per bigha, or one-seventh of the whole area. The amount of land is not taken from the holding of each raiyat, but it is selected from the best lands of the village, so as to form, as far as possible, one connected field. This is then called the factory zeraith. Raiyats are compensated from other raiyats' holdings. When a village goes out of lease, the zemindar tries to regain possession of this land as his zeraith. The factory used to try to retain possession till ousted by a Civil Court decree. It now attempts to retain through the raiyats who originally held the land, but as all means of identifying their lands have gone this procedure generally fails. The result is that the factory has usually to accept the landlord's terms, and takes a renewed lease of the village at higher rates, or the proprietor takes possession of these factory zeraits and settles them with raiyats at enhanced rates. Both results are injurious to the raiyats, and operate to enhance rent-rates in the village. The survey, by preparing a map of these zeraits and showing the different portions held by raiyats, would have done much to check this evil.

Distinction between proprietors' private lands and lands in the possession of the proprietors, but not zeraith.

The procedure under the Tenancy Act for determining the class of lands is not satisfactory. If a dispute arose it would be treated as a civil suit, but while the proprietor appeared on the one side, there would be no one to defend the case, unless the raiyats combined against the proprietor, a very unlikely circumstance. This difficulty, however, did not arise in practice, as the adjudication of such lands made after local inquiries was generally accepted; but it might happen that a large area of proprietors' private land could be formed by the landlords pressing their claims, and producing proofs which no one would come forward to rebut.

Difficulty in determining such lands.

There is another point. The principles for determining what is the proprietors' private lands are vague. Section 120(1) (a) and (b) of the Tenancy Act are quite clear, but Section 120 (2) practically leaves everything to the discretion of the revenue officer, for in determining whether any land other than that referred to in Section 120 (1), clauses (a) and (b) ought to be recorded as proprietors' private land, the court shall have regard to certain matters, and finally to any other evidence that may be produced. This evidence is to be produced to show that the land ought to be recorded as private land of the proprietors, and the provision gives a wide discretion to courts, and might result in largely extending the area of such land. At present, however, the small proportion of proprietors' private land recorded in this settlement shows that proprietors are not keen to take advantage of this section.

41. The

41. The average area of a holding is small, viz., approximately $1\frac{1}{2}$ acres, but this is the legal holding, i.e., the parcel of land held by a raiyat, and forming the subject of a separate tenancy. It does not represent the average holding of individual raiyats, for raiyats hold in more than one estate in the same village, and in the 235 villages there were 1,512 separate estates or divisions of estates (puttis). Thus, while the total number of holdings is 26,066, the total number of raiyats is 19,495. This, however, is the total number of raiyats in each village, but many raiyats hold land in more than one village, as will be seen from the large number of non-resident raiyats, about 33 per cent. of the whole number. Allowing for these facts, the average holding of a raiyat appears to be, as nearly as possible, three acres. Settled raiyats and raiyats at fixed rates naturally have the largest holdings, while the average holding of non-occupancy raiyats is about $1\frac{1}{2}$ acres.

Average area of the raiyat's holding.

42. Turning to the different classes of raiyats, it will be seen that settled raiyats are over 85 per cent. of the whole number, while they hold 87 per cent. of the raiyats' land. If the raiyats holding at fixed rents and occupancy raiyats are added, the total number make up 93 per cent. of the whole number of raiyats. This confirms the opinion often expressed in the discussions on the Tenancy Bill, that the raiyats in Behar had, almost all of them, occupancy rights if they could only prove them. The provisions of the Act have provided a simple means of proof, and the landlords have not attempted to evade it. I have been struck by the readiness with which the new provisions of law in respect of occupancy rights have been accepted, especially in villages recently partitioned, where the object of the proprietor was often to introduce an entirely new condition of tenancies, dating from his accession to sole proprietary rights. There is no doubt that the change of law has extended the rights of raiyats to a great extent, especially in partitioned villages, and, so far as I could judge, the proprietors did not resent the extension.

Proportion of occupancy and non-occupancy raiyats.

43. The number of raiyats holding at fixed rates or fixed rents is considerable, viz., 7.4 per cent. of the total number of raiyats. It was necessary to take care that none of these rights were overlooked, because, after a settlement under Chapter X. of the Tenancy Act, the presumption regarding twenty years' tenure at the same rate ceases. I found some proprietors apparently eager to acknowledge the rights of their tenants. In one instance almost all the tenants were admitted to hold at fixed rents, whereas by a reference to the old settlement papers it was seen that there had been a rise of 69 per cent. in the average rate of rent since 1833. It is probable that in such cases the proprietors obtained the agreement of the raiyats to an enhancement, on the understanding that no further enhancement would be demanded. In one instance it was admitted that an enhancement of two annas in the rupee was obtained under these conditions.

Raiyats at fixed rates.

44. Occupancy raiyats are those who have bought the holdings or portion of the holdings of settled raiyats. Their number is small, only 64 per cent. of the whole number. It is said that since the settlement there has been an increased sale of portions of holdings in settled villages. The provisions of Section 88 against the transfer of part of a holding do not seem to have much effect. In each village inquiries were made whether the right of transfer was allowed by custom. In many instances transfers without reference to the landlord had taken place, but the general result was unfavourable to the existence of such a custom. The result in the case of each village was noted in the statement which has been prepared for the village histories.

Occupancy raiyats, not settled.

45. Non-occupancy raiyats, it will be seen from the statement of caste appended, are chiefly low-caste men, with holdings insufficient to support life, and who live for the most part by daily labour.

Non-occupancy raiyats.

46. The system of tenure by under-raiyats is very slightly in force in this pergunnah. The number of such tenures will be seen from the statement appended.

Under raiyats.

APPENDIX D.

STATEMENT showing the Number of Under-raiyats and Mortgagees, and the Area held by them.

	No.	Area.
		Acres.
Under -raiyats :		
From settled raiyats - - - - -	796	432
From occupancy raiyats - - - - -	36	23
From non-occupancy raiyats - - - - -	35	23
Total - - -	867	478
Mortgagees :		
From proprietors - - - - -	133	99
From settled raiyats - - - - -	47	21
Total - - -	180	120

There are altogether 867 under-raiyats, of whom 796 hold from settled raiyats. They for the most part hold under a bhaoli tenure, and it is nowhere admitted that they can acquire any rights of occupancy, except when they hold under brahmotardars and other similar rent-free tenants. In a few villages the system of kurtowli leases is in force. By this system raiyats sublet the whole of their holdings to indigo factories, on the understanding that the raiyat is to get back possession of the land, and to cultivate a fixed proportion in indigo. Raiyats will sublet their holdings thus in single instances for an advance of money, or collectively in order to obtain help from the factory to resist their proprietors. This system is objectionable from many points of view. It encourages the raiyat to extravagance by giving him an easy means of borrowing money, and the position between the upper and nether millstone of proprietor and indigo factory cannot be satisfactory. I came across a curious instance in the village of Sirsia illustrating the evils of this form of lease. A new factory was introduced in the village in competition with the neighbouring factory of Kanti. The Sirsia raiyats fearing that their lands would be taken up for indigo, and stimulated by the efforts of the Kanti factory to prevent the introduction of the rival factory, sublet their holdings to Kanti. The manager of the latter factory again sublet the holdings to the raiyats. Upon this the proprietors of Sirsia, who supported the new factory, filed suits for arrears of rent against some 40 of the raiyats. The arrears were claimed at rates showing an advance of 50 per cent. on the old rates, and with the help of fictitious rent-rolls, decrees were obtained. As soon as this had been done, the two factories came to terms, and the Kanti factory relinquished all interest in Sirsia. The sub-leases were made over to the Sirsia proprietor, and thus the raiyats are in the position of tenants of the proprietor, to whom also they have sublet all their holdings, and who is directly hostile to them. They rely upon the forbearance of the proprietor and upon the second set of sub-leases which, as described above, have been executed in their favour; but had not this settlement been concluded in the village, their position would have been most unhappy.

47. A list of mortgagees has been drawn up, from which it will be seen that there are 133 mortgagees under proprietors, and 47 under settled raiyats. A mortgage differs really very little from a lease, for it is rarely given without the mortgagee taking possession of the property. I do not think that the list of mortgagees contain all such transactions. It is probable that many have not been recorded.

48. A statement

48. A statement has been prepared showing the division of the people into castes, and the area of land held by raiyats of each caste. The statement is appended (Appendix J.) It has been prepared at Mr. Risley's suggestion. It has been prepared village by village, but as raiyats often cultivate in more than one village, it follows that they have been counted twice over in several instances. The numbers should be reduced by about one-third to show the true result, but the figures given are sufficient to show the proportion of the different castes to each other and their relations to the land.

Classification of castes in relation to the land.

49. It will be seen that the holdings of all raiyats, and especially of low caste raiyats, are very small and insufficient to support them. In the high caste families, some members take service as chaprassis, and peons, and other employments, and even among zemindars some members of the family are to be found working as clerks and peons in Government offices. The lower caste families eke out their subsistence by daily labour for their landlords, or on the roads, or for indigo factories. The daily wage in ordinary times for work near home varies from one anna to one and a-half anna a day, with or without food. At harvest time the labourers are generally allowed one bundle out of 16. The ordinary wages for a plough are two annas a day, and for a cart four annas. It is a curious fact that the price of labour has not increased since the beginning of the century. In a letter from the Collector of Tirhoot to the Commissary General, Calcutta, in 1814, the rate for wages is stated to be from one and a-half annas a day, and two annas for a plough. The rate of wages of course varies according to the time of year, the distance of the employment from the labourers' homes, and the authority of the employer, and it is not possible to lay down any general standard, but the average rate is as I have described it. Women and children are freely employed as day labourers. In some cases, such as digging lands, or earthworks, or roads, piece-work is practised, and with satisfactory results. It is clear that the small tenancies which are found in Behar existing in the midst of a population which, though already excessive, is always increasing, and where the check upon the demands of the landlord is very slight, cannot but be productive of evil. The poorer raiyats are in fact very little removed from the position of day labourers, but the evil of their position is aggravated by the fact that they hold a little land. Their resources however (in the words of Mill, Pol. Econ., Chap. XI., Book II.), give them "only a portion of subsistence, leaving them under the undiminished necessity of selling their labour for wages in an overstocked market. Their land merely enables them to exist upon smaller wages, and to carry on their multiplication so much the further before reaching the point below which they cannot, or will not, descend."

Evils of small holdings.

Wages of labour.

50. In Appendix E. is given a statement of the areas under the different crops in the completed villages.

Statement of crops.

51. The double-cropped area is 51 per cent. of the whole cultivated area, and the cold-weather crop is the most important of the three harvests. The area under cultivation at the different harvests is as follows:

Double-cropped area, and division of harvests.

	Acres.	
Bhadai, or wet-weather crops	- 18,231	- 30 per cent.
Aghani, or rice harvest	- 17,256	- 27 „
Rubbi, or cold-weather crops	- 27,020	- 43 „

The area under food crops is 89 per cent. of the whole cultivation.

52. The area given under the different crops is not strictly accurate, as, from the practice of mixing crops, it has been found impossible to give the exact area covered by a particular crop. The principle adopted in preparing these statistics was to show each crop separately when they could be reasonably divided into equal portions, and, where this could not be done, to show them mixed; and where one crop was the principal crop, and the other merely mixed with it, as linseed or mustard with barley, to omit the second crop altogether. For this reason the area sown with mustard, linseed, janera, and such crops, appears much less than it really is. The lands are in reality cropped to a greater extent than appears from these statistics. In order not to make the statement unnecessarily long, I have not shown separately crops which aggregate under 10 acres.

Classification of crops.

The principal staple crops are rice, Indian corn, barley, sweet potatoes, and rahar or pulse. Next to them come the smaller millets, locally known as kodo, murmá, sámán, &c. The people mainly live on the bhadai harvests, and the sweet potato crop, and pay their rent by the sale of the rubbee crops and probably also of the rice crops, which is only used as an article of diet among the richer raiyats.

Indian corn and
other staple crops.

53. Makai or Indian corn, which is 10 per cent. of the whole cultivation, is not an indigenous crop. It appears to have been introduced since the beginning of the century, at the instance of the Directors of the East India Company, who urged its advantages as a staple crop. It does not appear in the price-lists till after 1865, and is an instance of what may be done by State interference in agricultural matters. Wheat and barley appear always to have been grown in the district, and are found in price-lists at the beginning of the century.

Sweet potatoes.

54. The area under aluas and suthnis (species of sweet potatoes or yams) is considerable, viz., nearly 6 per cent. of the whole cultivation. This article of diet is one of the chief foods of the poorer classes, and lasts from October till March, being dug up as it is required.

Non-food crops.

Indigo cultivation.

55. Of the non-food crops, about half the area is cultivated in indigo, and the other chief crops are linseed and poppy. The land is not as a rule suitable for the cultivation of sugar-cane or tobacco. It is not necessary to say much regarding the cultivation of indigo. I have, in paragraphs 40 and 77, explained how it affects the question of zeraitis and of rent. It is often wondered why the people appear to derive so little benefit from the large outlay made upon indigo cultivation. The explanation is simple. The average rate paid by a factory for indigo lands is Rs. 12 per bigha, including the rent. Of this Rs. 3 per bigha is calculated as the rent, and the actual money payment is Rs. 9. Of this from Rs. 4 to Rs. 5 is the cost of cultivation, and probably something is paid to the factory servants. Thus, the net profit is Rs. 4 per bigha. Where the factory pays Rs. 15 per bigha, the net profit is Rs. 7. Now, on the lowest calculation, the net profits of country crops in lands suitable for indigo is Rs. 10. Therefore it is obvious that indigo is cultivated at a loss of from Rs. 6 to Rs. 3 per bigha to the raiyats. In addition to this, the land taken out of a raiyat's holding, where the factory has a lease of a village and takes the customary proportion of one-seventh of a bigha from each holding, is the best land of the village; but, in calculating the deduction for rent, the rate of that particular land is not considered, but the average rate of the whole holding, that is, the rate for good land and bad land together. It is thus clear that at the present rates of Rs. 15 or Rs. 12 per bigha, the cultivation of indigo cannot be profitable to the raiyats. In one village, that of Balra Karam Chand, special rates of Rs. 25 per bigha were offered and eagerly accepted. One justification for the present rates is that they are paid in good and in bad years, and, therefore, if a raiyat's crops fail altogether, he still gets his profit from his indigo land; but assuming that there is a total failure of crops once in 11 years, it follows that the raiyat loses Rs. 50 per bigha, whereas he gains only Rs. 5 in that period. When it is considered that, from the cultivation of poppy, the net profit is often not less than Rs. 30 per bigha, it is easy to understand that the raiyats are not attracted in the insignificant profits of Rs. 3 or Rs. 7 offered under the tikkadari system of indigo cultivation. Where they do accept them, it is under pressure. They are either in want of an immediate advance, or they wish to protect their holdings against an exacting proprietor or a powerful neighbour, or they give way to the manager of the factory who has acquired temporarily the proprietary rights of the zemindar. It would be more satisfactory in every way if the factory could deal directly with the raiyats. If the record of rights had been prepared, this would have been possible, as the uncertainty as to occupation of lands would have been removed. All that then would be necessary would be the payment of higher rates for indigo lands. The extra expense incurred on this account could be met by savings, for it would no longer be necessary to pay the proprietor large sums in order to obtain the lease of a village, and the number of factory servants (jamadars, zilladars, tikkadars, brahils, putwarris, gomashas, peadas, &c.) who now intercept so much of the profits and harass the raiyats, could be greatly reduced. Indigo would then be willingly cultivated, and the criminal courts would be

Effect which the
record of rights
might have had in
improving the
cultiva of indigo
cultivation.

free

free from the constant cases which now occur in connection with the indigo interest and which throw such a stigma upon it.

56. It is impossible from the small area which has been completed to give any correct idea of the extent of indigo cultivation. The area under indigo in the completed villages is nearly 8 per cent. of the whole cultivated area, and 10 per cent. of the cultivated upland. In 1876 Mr. Worsley calculated that 25 per cent. of the upland was cultivated in indigo. There can be no doubt that indigo cultivation is extending. New factories are being built, and additional outworks are being added to old factories. If Mr. Worsley's estimate was correct, the figures deduced from the present settlement can only be misleading from the fact that the extent of indigo cultivation is small in the particular villages which have been completed.

Extent of indigo cultivation.

II.—RENTS.

57. I have previously pointed out that it has been impossible to obtain any trustworthy information as to past rents, except perhaps from the managers of indigo factories, and as this could not be done without great inconvenience to them, which it did not seem fair to impose, the attempt was abandoned. To call for statements of past accounts from putwaris, where such existed, would only have resulted in the fabrication of accounts. It was difficult also to compare the statements filed in preceding years, because in many cases the villages had been partitioned and the rent-roll was altogether changed. The accounts filed in the road cess returns were not trustworthy, and, besides this, have no mention of the area of the holding. For instance, the road cess returns of chuck Mehshi show a total rental of Rs. 292-1 in 1875, whereas the rental now appears to be Rs. 771-15-9, and, in addition, the area of land held by the proprietors has increased from 22 bigahs to 49 bigahs. Little use can be made of such returns as these. Even the records of old settlements are not of much assistance, because they did not always give the ascertained rent-roll. The Settlement Officer has in many of the old settlements set aside the village accounts as worthless, and has decided the rents in accordance with the rates in adjacent villages. In fact, the fears expressed by the Secretary of State that the difficulties in carrying out the settlement might prove greater than anticipated in the absence of village accounts and accountants were to some extent justified.

Difficulty of tracing the progress of rent.

58. These difficulties, though they led to disputes and delay by encouraging the landlords to overstate, and the raiyats to understate the rents were not, however, insurmountable. The questions to be decided in a dispute as to rents under the provisions of the Tenancy Act, were not what rent can or ought the land to pay, but what rental has the raiyat been paying, and what is his existing rent. When, therefore, a dispute arose as to the existing rental, there was no danger of not being able to come to a legal decision, even if we had to rely in the final resort upon the tenant's admission only. In fact, in many cases, the record of rents was drawn up in accordance with the admissions of the tenants, and that this did not bear hardly upon the landlords will be seen from the appended comparative tables of rent-rates, from which it is clear that the landholders cannot have lost anything, not even in cases of recent partitions, where everything was in confusion, and where in consequence of the subdivision of the holdings of the raiyats the new rent-roll had not been fixed. The landlord who cannot prove what rent his tenant has agreed to pay or has always paid is not deserving of much sympathy, for it is one of the first duties of a landlord to ascertain and fix *in concert* with the tenant the particulars and incidents of the tenancy. There can be no difficulty in this, as courts are only too ready to accept as evidence accounts which appear to be at all trustworthy, even though such accounts cannot, strictly speaking, be evidenced against the tenant who is no party to them.

Difficulty of ascertaining existing rents.

59. The great majority of the disputes as to rents were summarily ascertained at the local attestation. Generally, the landlord would overstate the rent and the tenant would understate it. Inquiries would be made from bystanders, and the truth would be ascertained which both parties admitted.

Manner of recording rents.

There was a curious opinion prevalent that the tenant, being poor, would not tell a lie, while the rich landlord or his agent was sure to do so. I cannot say what is the basis of the opinion, but I generally found that the raiyat's statement made in the presence of his relations was to be relied on. Thus, the absence of the village accounts undoubtedly delayed the work, but did not create any insurmountable difficulties.

Applications for
settlement of rent.

60. As mentioned above, the principle of the settlement of rents was to record existing facts. The settlement was very different from settlements where land revenue is assessed. Nor was it an assessment of rent to be paid by the tenants such as might be made from an inquiry into rates and the productive powers of the soil. It was the duty of the Settlement Department merely to draw up a record of existing rents, except when applications were made by either party for a settlement under Section 104 of the Tenancy Act. If the landlord applied for an enhancement, he would have to prove the ground of the enhancement. If he applied for an alteration of the rent on the ground of an alteration in the area of the holding, he would have to prove the fact of such alteration, and he would have to prove that the increase of area was a real increase, and that the tenant had taken up new land other than that originally settled with him. It would not be sufficient merely to prove that the area as ascertained by the survey was greater than that previously recorded in the landlord's books. The case would be the same if the tenant applied for a reduction of rent. There were only two legal grounds of enhancement which would affect tenants in this pergunnah, viz., a rise of prices and the fact that a tenant held below the prevailing rate of the village. The first ground of enhancement can hardly operate in the absence of price-lists for past years, and the second ground could rarely operate in the area settled, where the existence of a prevailing rate is seldom susceptible of proof. To apply for an enhancement on the ground of alteration of area threw upon the landlord the necessity of proving that the alteration was real, viz., that new land had been taken up by the raiyat, and this could seldom be proved. It was equally difficult for raiyats to prove grounds for a reduction of rents. The consequence was that no applications for enhancements or reductions were made. This fact may appear strange; but it is to be remembered that such cases are difficult to prove, and landlords prefer to take them at their leisure and not in the hurry of a survey, when, under the rules, they are given only 30 days to make their applications. Besides this, the first point to prove in such cases is the existing rent. In an enhancement suit, this is, under the Act, the basis to be first ascertained before an enhancement can be given, and the existing rent would always be disputed. There was thus the danger of the landlord losing a portion of his existing demand, besides failing to prove his right to an enhancement; for in the absence of records it is never easy under present circumstances for a landlord to prove his existing demand.

No applications
directly made for
enhancement or
reductions of rent.

Reason for this.

61. The absence of applications for enhancements was explained to me by a landlord, who said that it would be unwise to attempt at present to get enhancements. The raiyats would take the alarm and understate their rentals, and the landlords being unable to prove them would lose more than they could hope to gain in applying for enhancements. He said that the object of landlords was to get the raiyats to admit a rental, and then they could sue for an enhancement at their leisure on the basis of this admission. Again, it is not the custom for landlords to apply directly for an enhancement of rent. In five years there had been only 25 suits for enhancements in the Mozufferpore Munsif's Court. The invariable practice is to sue for arrears at an enhanced rate, and to support the case by fictitious rent-rolls. So in the present settlement there is no doubt that an enhancement was sometimes obtained by inducing the raiyats to admit increased rents before the Settlement Officer.

Existing rents
generally recorded.
Dangers of this.

62. This leads me to consider another point, whether such a record of rents is not a danger to the raiyats, who are thus bound by admissions upon which rents may be forced higher, whereas if everything were left in confusion they could continue the struggle, and, by force of numbers, defeat the landlord. For this reason, the Board of Revenue urged the necessity of settling rents under Section 104 (2): such settlement would, in the case of occupancy raiyats, have effect for 15 years, whereas a simple record would give a ground for a further

further enhancement. Such a settlement, however, can only be made on the application of the parties. The landlord would not apply for a settlement unless he had a good chance of getting an enhancement; for otherwise he would tie his hands for the next 15 years. On the other hand, it was not easy to induce the raiyats to see the value of such a settlement, especially when it might lead to an immediate increase of rental if the landlord met the application by disputing the amount of the present rents or by applying for an enhancement. In many cases, however, the raiyats did apply for a settlement, and as the landlords were not in a position to prove that the existing rents were susceptible legally of enhancement, they were settled as the fair and equitable rents. The number of such settlements were about one-third of the total number of rents ascertained.

In some case existing rents judicially fixed under section 104(2) of the Tenancy Act.

63. I do not, however, place much value in these settlements. The main point is to ascertain the existing rent and to certify it to the raiyat. I do not believe that when this has been done the raiyats will agree to pay enhancements, unless compelled to do so by a civil court. There are, however, two dangers, one that the landlords will apply to the court to get enhancements of the rents which have now been admitted, the other that they will threaten to do so, and will induce the raiyats to agree to enhancements. As regards the first danger, it is not likely that landlords will be able to prove that rents are capable of legal enhancement before the courts any more than they could before the Settlement Officer. If they bring suits they will fail, and fears on this account are groundless. As to the second danger, if the raiyats are so weak as to yield to threats, it is not likely that even a settlement of rent will be of much protection to them. If they are so subservient to the landlords, it is not likely that a knowledge that enhancements cannot be legally enforced by a civil court for 15 years will render them much stronger. There are many ways of obtaining enhancements besides through the Civil Courts. The procedure of settling existing rents is to some extent unreal, and settlements do not appear to have been contemplated by the Act, except in special cases. Besides this, many raiyats thought little of protection from enhancements through the courts for fifteen years. They were not satisfied till it was explained that practically the settlement would have a more lasting effect. I believe that it is sufficient protection to the raiyat to ascertain and certify his rent to him; that his present danger lies to a great extent in his ignorance of his rental and his inability to refer to any record to prove it, and that, though in recording rents we may have fixed what are really inequitable rents, yet the fact of such a record is a greater boon in comparison..

Value of such settlements.

64. I have written in such detail to explain the methods of the settlement, and that its object was not to alter or adjust rental, but to carry out the wish expressed in 1878 by the Behar Rent Committee, viz., to ascertain the rent now actually payable, and to certify it to the raiyat. Under these circumstances, it is not necessary to go into any details as to the assessment, or the equitableness, of rents. The Tenancy Act has declared that existing rents are fair and equitable, unless they can be either increased or reduced according to law. It is, therefore, unnecessary to consider whether the past history of rents justifies this assumption. It is clear that at some period rents bore a certain relation to the produce of the land; after this, each pergunnah had certain customary rates fixed. Registers exist in the collector's office showing the pergunnah rates throughout Tirhoot from 1776 to 1786. Pergunnah rates have been long discarded, but rates are still retained in landlords' accounts as a basis of assessment. They are found, however, to be in great confusion. The rates are different in adjoining villages with the same classes of lands. Lands of the same character are rated differently. The number of rates is excessive. Very few raiyats can tell at what rates they hold their different fields, and it would be almost impossible to draw up a rent-roll from the rates. In a few villages the old rates are retained and are known, but generally raiyats know only their total rents. For these reasons, the record of rates which originally formed part of the duty of the Survey Department was abandoned. Their record was of no help to determine rents, and it gave the amins opportunities of fraud. The settlement has in fact left rates out of consideration, and one result of this will be that it will be difficult in future to prove the existence of a prevailing rate. Even if it were possible to draw up a rent-roll according to the rates, the

No necessity for fixing rents on an economic basis, or on the basis of rates.

result would generally be injurious to the raiyats. In the village of Bishunpore Tekyt, the raiyats asserted that the rent rate was Rs. 2-4 per bigah for all classes of land. The village was leased about 15 years ago, and, during the currency of the lease, the village came under partition. There was originally a uniform rate of rent as the raiyats stated, but when the village was under partition a revised rent-roll was drawn up, dividing the classes of lands according to different rates, and at the time of settlement the old uniform rate had given way to the new rates. The extension of cultivation had, however, equalized matters, for new land had been brought into cultivation at less than the old rate of Rs. 2.4 per bigah. At the settlement I adhered to the existing rent-roll, which showed a rent average throughout the village of less than Rs. 2 per bigah. Had I accepted the proofs of the raiyats, the total rental would have been considerably increased, and though some raiyats would have been better off others would have suffered.

Average rate of rent in the settled villages. Bhaoli area.

65. The average rate of rent in the completed villages is Rs. 3-4-3 a bigah or Rs. 3-12 an acre. This result is obtained by comparing the total rental with the area held by raiyats on a money rent. The bhaoli area is little over 6 per cent. of the whole area held by raiyats. This average rent-rate is slightly higher than that estimated by Mr. Macdonnell in his work on food-grain supply, where he puts down the average for rice land at Rs. 3-12 per acre, and that for upland at Rs. 3. If his estimate be correct, it would show that rents have gone up 6 per cent., or one anna in the rupee since 1876. Mr. Macdonnell, however, clearly overestimated rentals as he puts the minimum rents for rice land and upland at about 1-8 per acre. He thus left out of consideration all the lands let at low rates, such as 8 annas and 4 annas a bigah, which have been included in my calculations and which lower the average.

Former rates prevalent in the pergunnah.

66. As said before, the data for comparing present rents with past are insufficient. It is possible, however, to arrive at a general idea. From the collectorate records it appears that in 1786 the rates were Rs. 4, Rs. 3, Rs. 2, and Re. 1-4 per bigah for lands of 1st, 2nd, 3rd, and 4th quality, and for fallow lands 8 annas, 6 annas, and 4 annas per bigah in addition to some cesses. In bhaoli lands the raiyats only got $17\frac{1}{2}$ seers out of the maund, while the landlord took $22\frac{1}{2}$. In 1820 the average rental per bigah of 16 villages containing 6,355 bigahs was Re. 1-9. Out of 33 villages of which the old settlement records are available, it appears that between the years 1830 and 1840 the average rental was the same. The averages ascertained for the villages given in Appendix F. do not always show the actual rent collections of the village in the year of settlement, because the rent-rolls filed before the settlement officers were often rejected, as they sometimes overstated and at others understated the rents. They show, however, the average rates for surrounding villages, as it was in accordance with such average rates that the rent rolls were generally drawn up. It will be seen that the rentals in these villages have increased from an average of Re. 1-8-9 per bigah to an average of Rs. 3-10-3. The increase amounts to 137 per cent. This is not an increase due to increase of cultivation, because both averages are taken on the cultivated area only, excluding lands held by maliks and rent-free lands. The villages in this list are not selected villages. I have examined all villages of which old records were available in the Collector's Office, and as will be seen in some of them the increase has been insignificant.

Illustrations of the previous rates of rent.

67. There are other indications to show what the average rates were. There are some villages in which the rates have been ascertained by inquiry to have been only slightly altered owing to various special circumstances, and these rates can be compared with the average rates of adjoining villages. The following instances are given:—

(1.) *Mahomedpore Moshtaq*.—Average rate of rent Re. 1-14, while the average of surrounding villages is a little over Rs. 3. The rates in the village have risen from an average of Re. 1-5-9 in 1838. The enhancement was obtained through the civil court on a suit for arrears based on fictitious jamabandis, but the decrees then obtained have prevented further enhancements, as the raiyats are Babhans and do not yield without struggle.

(2.) *Hitchra*.—

(2.) *Hitchra*.—The rates average Re. 1-10 per bigah, while the surrounding rents average Rs. 3 1 per bigah. There was no trace of any enhancement in this village.

(3.) *Mukhdumpur Kadaria*.—The rates average now Rs. 2-3 against Re. 1 9 per bigah in 1836. The raiyats are independent and capable of protecting themselves. A few years ago the proprietor threatened to lease the village to a factory if the raiyats would not give an enhancement. They submitted to a cess of four annas in the rupee to avoid this. This cess was irregularly paid, and at the settlement the proprietor attempted to add it to the rental; he produced two years' rent rolls, which had been prepared so as to show it as part of the rent. The raiyats resisted, but after consulting for a day they consented to an enhancement of two annas, or rather they accepted the proprietor's demand less two annas in the rupee. It is clear, therefore, that the rents were recently less than Rs. 2 per bigah. The increase since 1836 is due to bhaoli land being converted into nugdi at higher rates.

(4.) *Bhugwantpur*.—The average rates are Rs. 2-1, while the surrounding rates are Rs. 2-8 per bigah. In this instance the rates averaged about Re. 1-12 per bigah till five years ago, when a number of cesses were incorporated in the rents. These rates are recognised as of old standing.

(5.) *Bhawanipur*.—The average rent rates are Re. 1-8 per bigah, while surrounding rates average Rs. 4-5. It is said that rents have not been enhanced in this village for over 30 years.

(6.) *Permanundpur*.—The average rate of rent is Re. 1-14, whereas the surrounding rents are nearly Rs. 3 per bigah. The village has long been in lease to a factory. The present proprietor purchased it by auction and tried to enhance the rents; but as old accounts of rent collections were accessible, the suit failed, and the rates were unchanged.

(7.) *Pukri Ismail*.—The rates average Rs. 2 per bigah, while the surrounding rents average Rs. 3. The village has been in part leased to an indigo factory for some years, and the proprietors have been disputing among themselves, and hence the rents have remained low.

(8.) *Pukri Bahorun*.—The average rate is Re. 1-5-7 against Rs. 2 8 in surrounding villages. The village has long been leased to a factory and the only enhancement known is one of 4 annas a bigah in 1886.

(9.) *Ishaqpur Sripur*.—The rates are Re. 1-15 per bigah on an average, while the surrounding rates are Rs. 3. The rates are said to have been unchanged for ages. The soil is poor, and hence perhaps no enhancement was made.

(10.) *Bishunpur Mudho*.—An attempt was made 20 years ago to raise the rents, and after the institution of a suit they were compromised at Rs. 2-10, at which rate they have since remained.

68. These instances show, to some extent, the rates at which rents have been maintained in villages favoured by special circumstances. From the statement appended, giving a comparison between the rentals before partition and existing rentals (Appendix G), it will be seen that up to 1880 in only three villages out of 30 did the gross rental average over Rs. 3, and in only 11 villages did it exceed Rs. 2-8, while in the majority the rental is under Rs. 2-8. This would seem to show that up to recent years (1860 to 1870) the average rents did not exceed Rs. 2-4 per bigah. I find also from an old report in the Collectorate that in 1876 an idea was abroad that Government was about to reduce all rents to Rs. 2 per bigah. Again, the incidence of land revenue on the cultivated area is stated (in Mr. Toynbee's report on the Famine Commissioners' questions, 1878) to have been about 12 annas per bigah in 1876. In 1840, when the area under cultivation was less, the incidence would have been about 14 annas per bigah. At this time Government revenue was supposed to be about three-fourths of the rental. This was the prescribed amount taken for Government in 188.

Increase of rents since 1840.

in settlements. The rent would, therefore, be at that time about Re. 1-8 per bigah. In 1876 the rental was ascertained to be 3½ times the Government revenue, then amounting to 12 annas per bigah, and therefore the rental, according to this calculation, would be Rs. 2-12 per bigah. This is the calculation for the whole district.

Measure of the increase of rents.

69. The conclusions which I draw from the preceding observations are that, from the beginning of the century to 1840, the average rates of rent did not exceed Re. 1-8 per bigah, while, since 1840, they have risen to Rs. 3-4 per bigah, or an increase of 116 per cent., and the greater part of this increase has taken place in the last 15 or 20 years. From the figures given in Statement, Appendix G., it will be seen that of the villages partitioned since 1864 (omitting Pursotimpur of which the figures are doubtful), the increase in 26 villages has averaged 69 per cent. Including that village, the increase is 77 per cent. These facts, of course, show the average increase of the particular villages which have been settled; but it is impossible to say if the rest of the district would have shown the same result. The increase in the 33 villages given in Appendix F. is in fact greater, viz., 137 per cent. The increase is not due to increase of cultivation, because the difference of area under cultivation at both periods has been taken into consideration. How can this increase be justified? It may, of course, be that some lands at the beginning of the century were held below the prevailing rates, but it is probable that by 1840 this had been rectified, and it is the increase since the latter date that is in question. It is not due to any increase in the fertility of the soil produced by the labour or expenditure of the landlords. It is well-known that landlords have in late years ceased to expend money on their estates, though there are signs in old embankments and bridges, &c., that they were not so remiss in earlier years.

The increase of rent is not justified by the increase of Cultivation or for improvements in the fertility of the soil, &c.

Nor by the rise of prices of staple crops.

70. Is the increase justified by the rise in the value of the produce as tested by the rise of prices? It is difficult to find statistics of prices earlier than 1861, when they were first regularly recorded. Records of prices in particular years can be found, but these are of no use for purposes of comparison; an average of years is necessary. For instance, no conclusion can be drawn from the following figures which I find in the Collectorate records:—

DATE.	Wheat.			Barley.			Rice.		
	Mds.	s.	c.	Mds.	s.	c.	Mds.	s.	c.
1810 - - - - -	0	35	0	1	30	0	27	8	0 to the rupee
1816 - - - - -	1	22	0	2	10	0	1	10	0
1817 - - - - -	1	10	0	1	30	0	0	33	12

The following figures show the prices of staple food-grains since 1861:—

DATE.	Wheat, Seers to the Rupee.	Barley, Seers to the Rupee.	Makai, Seers to the Rupee.	Rice (common Seers to the Rupee.)
1861-65 - - - -	22½	34	—	20½
1867-71 - - - -	17½	27½	27	19½
1883-87 - - - -	17½	27½	27½	14
Increase - - - -	29 per cent.	26 per cent.	Nil.	42 per cent.

Thus the average increase of staple crops has been 32 per cent. since 1861. The only means which I can find available for comparing prices previous to 1861 are the jail statistics, which give the average expenses of food for each prisoner per annum. The comparative cost of supplying rations to a prisoner in jail will give a very fair test of the comparative cost of the ordinary articles of diet, and so of staple crops. The following are the figures which give the average

average expenses of food per annum incurred on account of each prisoner taken from the Jail Report of 1856, and the reports for the years 1875 to 1884 :—

YEARS.	Average Cost of Rations per Prisoner.
	Rs. a. p.
1815-16 - - - - -	15 3 2
1825-26 - - - - -	17 6 2
1835-36 - - - - -	18 4 0
1845-46 - - - - -	19 6 8
1855-56 - - - - -	19 14 0
Average of years 1875-84 - - - - -	22 12 0

Thus the increase in the cost of ordinary articles of diet is 29 per cent. compared with 1845, and 26 per cent. compared with 1855, and this may be taken as a measure of the rise of prices of staple food-crops.

71. From all these considerations, it appears that the increase in the price of staple crops is not sufficient to account for the ascertained increase in the average rates of rent. The increase of prices since 1840 has been at most 32 per cent., whereas the average increase of rents has been over 110 per cent. It must be remembered that the increased cost of cultivation, and the diminished fertility of the soil from constant croppings and from extended cultivation over inferior soils, is to be taken into account; nor should it be forgotten that an increase in the value of food-grain is not of much value to the raiyat, when, as must happen in the case of the small holdings, all the produce is required for home consumption.

Increased cost of cultivation, &c., must be taken into consideration.

72. It cannot therefore be shown that the rise of rents since 1840 and later years is justified. It remains to be considered how the rise has been obtained. It has been obtained for the most part arbitrarily, and on no fixed principle. It has not been legally obtained. The commonest method of raising the rents is by inducing the raiyat to consent to the enhancement or the process of free contract. The principle of free contract, however, is much abused. It is difficult to believe that a raiyat would consent to forego his legitimate share of the produce if he were left to himself, or would agree to pay the malik more than he is obliged to do; yet there are numerous instances of rents raised by agreement of the parties. This consent must always have been obtained by concealment of facts, and by ignoring the rights of the raiyats, or by improper pressure upon them. How dangerous the exercise of the right of free contract between a landlord and raiyat is, may be gathered from the terms of a lease which I found in the course of a suit to have been executed recently. The lease is given in the Appendix H, and it will be seen that the raiyat (whose rent was formerly about Rs. 3 a bigha) agrees to pay at Rs. 6-14 a bigha. He was an occupancy raiyat, yet he takes the lease for three years, and agrees to give up his land at the end of that time, and also at any time during the currency of the lease. He also contracts not to build any house or cow-shed even on the land, nor to dig a well, nor plant trees. Another instance of the manner in which agreements to pay enhanced rents are obtained came before me recently in the course of a criminal trial. In the village of Tewarra, the agents of the Maharaja of Durbhunga were attempting to induce the raiyats to execute agreements to pay enhanced rents. A number of Mahomedans refused, and the sub-manager, in November last, went to the village to reason with them. The day after his arrival, a case was put in against the Mahomedans for the slaughter of a bullock. The case was found to be false. In February last a case was brought against some other raiyats in the criminal courts. These raiyats executed agreements (*sharahnamahs*), and the case was compromised. In March an attempt was made before the registrar at Mozufferpore to have a *sharahnamah* registered, which the raiyats would not admit to have executed. The registrar found that most of the raiyats were not present when the deed was said to have been executed by them, and that their signatures had been written by the

The rise of rents has been obtained arbitrarily and illegally.

Enhancement by agreement.

Dangers of this method.

putwari. Again in April another criminal case was filed against a refractory raiyat which was dismissed. This is perhaps as good an instance as any that could be given of the operation of free contract, by which the raiyat, in his generosity, voluntarily consents to forego a part of the profits of his land.

Instances of rents
enhanced by
agreement

73. The following instances may be given of the operation of freedom of contract in enhancing rents.

Rampur Udai.—The rental was increased, after a re-measurement in 1878, from Rs. 700 to Rs. 846.

Afzulpur Mudho.—In 1881 the lease terminated and the proprietor took an increase of Rs. 100 from the lessee on renewal. The lessee then increased the rents by two annas or four annas per bigha up to this amount.

Pukri Bahorun.—The village was partly leased to a factory. An attempt was made in 1878 to enhance the rents, but without success. In 1882, when the factory acquired the lease of the whole village, an enhancement of four annas per bigha was accepted by the raiyats. The rents are now very low, and average about Rs. 1-8 per bigha.

Khalipur.—In this village the rents have risen gradually from a uniform rate of Rs. 2 per bigha to rates of Rs. 4, Rs. 3-8, and Rs. 3.

Boorwarrah.—It is said that up to 20 years ago the rates were uniformly Rs. 1-8 per bigha and cesses were collected. The cesses were consolidated, and the rates became Rs. 2 per bigha. The bhaoli rates were then converted into nugdi at rates varying from Rs. 3 to Rs. 2-8. The land held nugdi in 1825 was 215 bighas, and the rental Rs. 360-7-6, or an average rate of Rs. 1-3-6 a bigha. In the road-cess returns the rental is Rs. 889-10, but the area is not given. Now the area cultivated nugdi is 802 bighas, and the rental is Rs. 1,705. It was alleged that there are besides cesses amounting to four annas in the rupee in addition to the rent, but only one and a-half anna could be proved.

Mahomedpur Chuk Bahoran.—The rates have increased from Rs. 3 and Rs. 4 to Rs. 5 and Rs. 4. The rates were increased in 1867 by a rise of eight and six annas in the rupee.

Kazipur alias Hajipur.—In 1879 all rents were raised five annas a bigha after a remeasurement.

Madhubun.—Eight years ago rents were raised about six annas in the rupee, and one and a-half anna illegal cesses were collected.

Rupwarra.—The rents in this village were at very low rates, Rs. 1-8 and Re. 1 up to 1884, when the lessee enhanced them by eight annas in the rupee after a remeasurement. The average rate is now a little less than Rs. 2.

Panapur Karyat.—The rates have been three times enhanced—in 1860, 1870, and 1879. The exact amount of the enhancements is not known.

Characteristics of
such enhancements.

74. I have given these instances—not the most striking instances—of enhancements of rent. The most striking cases are those of enhancement after partitions, of which instances are given in paragraph 78 and Appendix G. The feature of these enhancements is that they have not been legally obtained, but are said to have been voluntarily accepted by the raiyats, who are supposed to consent freely to pay more to the landlord than they can be legally obliged to pay. I do not believe in this generosity of the raiyat. I think it is certain that if the raiyat knew his rights he would not consent to sudden enhancements of six and eight annas in the rupee. It is from this general ignorance of his rights, and from his inability to prove them, that the raiyat has suffered, and always will suffer till he has been made aware of them, and been put in a position to prove them by some such measure as a record of rights. In any case, it is extremely dangerous to allow the exercise of free contract, when the circumstances of the parties are so unequal, and when one party can bring pressure to bear, as in the instance which I have given in the 72nd paragraph.

Enhancements
through the Civil
Courts.

75. Resort is seldom had to the ordinary and legal method of procuring enhancements through the Civil Court. As I have said before, it rarely happens that

that a direct suit for enhancement is brought. In the course of five years only twenty-five such cases had been brought in the Mozufferpore Munsif's Court. It is known also that the number of enhancement notices is insignificant in comparison with the number of holdings. But there is another method of getting enhancements indirectly through the courts. The ordinary course is to sue for arrears of rent at enhanced rates, and to file in court fictitious rent-rolls. In some cases, as in the villages of Sirsia, Mahomedpore, Moshtaq and Roshunpore, these tactics have been successful. In one case before me, fictitious rent-rolls for fifteen years were filed, which had been drawn up so as to exclude mention of some illegal cesses. In another instance, in the village of Kamtowl Mozuffera, raiyats have been induced to accept a form of rent receipt somewhat similar to the legal forms. These receipts showed an increased rental, and after two years the rental was enforced. The result is that the rents show an increase of 230 per cent. since 1840. The landlord, in whose estate this had happened, protested that the raiyats had agreed to the enhanced rates from the beginning. The same gentleman, however, also informed me, with reference to some other matter, that raiyats, as a rule, do not know their rentals, and there is no doubt that this is the truth, and it is this which renders them so helpless.

76. The provisions for enforcing the new forms of rent receipts under the Tenancy Act are intended to remove this uncertainty as to the rent demand, but I am not sanguine as to the success of the scheme. In the first place the new receipt form has not become general in this district. I have made inquiries in 220 villages and find that printed forms are used in 121 villages, and are used in some estates of 33 villages, while they are not used in 66 villages. In many cases, however, the receipts used have been introduced by European factories, and it is not in such cases that they are most required. Among native landlords the use of the new form has not become general. In the few cases in which they have been brought before me, I have found that the counterfoils have been recently written up so as to prove the demand of the landlord, and that the receipt was not forthcoming and had not been given. In one case the receipt form was produced and duly admitted by the putwaries but the putwari's counterfoil did not correspond with it, and had been obviously written to suit the landlord's case. There is always the danger of rentals being enhanced by the method described at the close of the last paragraph. Raiyats are only too glad to get some form of receipt, that they seldom trouble to scrutinize them carefully. On the other hand, if the raiyats trust their landlords, they will seldom take the trouble to come for a receipt in any shape. In a letter submitted by the Behar Landholders' Association, it is said that the survey and settlement was premature, as the landlords had not had time to introduce the new form of receipt which would have obviated all disputes as to rents. If, however, it is intended to introduce the new forms and to utilise them for the purpose of enhancing rents in the manner described above, it would be very dangerous to postpone the settlement till the landlords have collected their proofs and established their claims. The general idea seems to be that the new receipt forms are of the same validity as a lease and Kabooliyat, and it is not likely that they will be generally adopted except for some special purpose.

Effect of the introduction of the new forms of rent receipts.

77. The system of giving over estates on short leases, which is so prevalent in this district, has had a material effect in raising rents. The number of leases in the 235 villages was 179, of which 100 were leases to indigo factories. This system of leases is said not to have been in force for more than the last forty years. It is a system quite foreign to the land system of Bengal, and it is so injurious that it has been suggested that it should be declared illegal. The leases to indigo factories are not, however, an unmixed evil so far as rents are concerned, as the factory takes the village in order to secure indigo lands, and it is not their interest to enhance rents; while the raiyats gain a certain amount of security from the regular accounts of collections which are kept. I have shown in paragraph 73 some cases in which this has operated beneficially. I could, however, give instances where factories have recently enhanced rents; but the chief effect of factories is to indirectly lead to enhancements. A landlord often uses the factory as a cats-paw, and will lease

Effect of short leases on rents.

Effects of lease to indigo factories.

his village if he has tried to get an enhancement from the raiyats and has failed. The factory accepts the landlord's rent-roll, and the ryots seeing that the proprietor and the thikadar lessee (who is a "Sahib") are against them, yield to the enhanced demand. In fact the threat of leasing the village to a factory is generally sufficient to make the raiyats submit. In three instances before me, viz., Balra Karamchand, Mukhdooimpore Kodaria, and Mahomedpore Subey, they have yielded to the imposition of a cess, on the understanding that the village should not be leased to a factory, and after three or four years the proprietor has done so, when the payment of the enhanced rent could not be denied. I have shown, in paragraph 40, how the formation of factory zerait in a village tends to enhance the rates. It is not unusual for a manager to accept a landlord's rent-roll without making any inquiries before he takes the lease, whether it is correct or not. For instance, the proprietor of Dwarkanagur leased his estate to a factory and gave a rent-roll showing the rent at rates varying from Rs. 7 to Rs. 4 per bigha. The lessee could not, of course, collect the rents, and after a time an agreement was come to that the raiyats should pay at a uniform rate of Rs. 3-10 per bigha. They afterwards got this reduced to Rs. 3-3 per bigha. The proprietor tried at the settlement to re-establish his pretended rates, and brought an objection saying that the factory had colluded with the raiyats to fix a lower rate. In proof of his case, he produced his rent-rolls, and urged the fact that the lessee paid a higher rent than he could collect from the raiyats unless there was collusion. The matter was easily explained by the fact that the lessee got 32 bighas of zerait which were not shown in the proprietor's rent-roll, and which accounted for the high rent paid by the lessee. It is easy to see how, under other circumstances, an enhancement of rent might have taken place. In the village of Balra Karumchund, a factory took a lease of the village at Rs. 1,500, though the rental as stated by the proprietor was only Rs. 900. In another instance, which was the subject of a criminal case, the manager of a factory agreed to lease an estate for Rs. 250 without making any inquiries, though the proprietor told him that the raiyats disputed the rent demand. A zemindar informed me that were it not for the factories the proprietors would be in a very bad case. On this subject I may quote the words of Mr. Worsley, who, in his Annual Report for 1876, said that "no zemindars who had the good of their tenants at heart would consent to make them over to an indigo factory; they well know what grievous injury such selfish conduct entails upon their tenantry." In my opinion the chief injury which is caused is done by placing the tenants in subjection to the factory servants in regard to cultivation. The tenants do not as a rule directly suffer in regard to their rents from factory lessees. The ordinary lessee, however, is naturally inclined to raise as much rental as he can during his brief period of power, and it is also curiously the custom for the proprietor to raise the rent whenever the village goes out of lease, so that the tenants suffer doubly.

Effect of partition
of estates on rents.

78. Rents are affected most materially by the partitions of estates. As soon as the division is completed, the proprietor having come into sole possession of a portion of the village, at once proceeds to assess the rents to be paid by the tenants. He disregards all previous rates; the tenant, though he may have held for generations, is treated as a tenant-at-will, and rents are assessed according to what the proprietor considers is the productive power of the soil. The raiyat whose holding has been sub-divided, whose house is in one estate and his lands in another, and who is attacked in detail by one after another of the proprietors, is unable to resist, and the new rent-roll is drawn up. The number of partitions during the last twenty years has been very great.

In 1840 there were only 4,469 estates in Mozufferpore and Dhurbunga, and in 1860 there were 6,342. In 1876 there were 10,815 estates in Mozufferpore district alone, and there are now about 15,000 estates. Of these, 2,052 estates pay Government revenue amounting to Rs. 4,503-11. One estate in the district consists of three cottahs only, and pays Government revenue of three annas. In the 235 villages which were settled, there are 1,512 estates or separate portions of estates. Many of the estates are cultivated by the proprietors, but in others there are petty proprietors, whose sole object is to raise the rent of their tenants or to evict them, and whom they keep in a state of serfdom, when they are unable to eject them from their holdings. The number

of

of partitions in the area settled has been considerable in recent years, and the difficulty of ascertaining the rental was consequently much increased. The raiyats, of course, denied that they had consented to any increase of rent since the partition, while the landlords tried to prove such consent. In the village of Shahpur, where the landlords are Kayasths, it was alleged that the land had all remained zeraif or proprietor's private land for one year after the partition, and that then the rents, which were at the rate of Rs. 4-4 per bigha, had been raised to Rs. 6-6. In the statement appended (Appendix G.), I have shown the effects of partitions in all villages of which I could get the old figures. I cannot, of course, say whether the figures given in the rent-rolls filed by the zemindars are correct. It is probable that in some cases the rent-rolls have been overstated with a view to subsequent enhancements. As further instances, I may mention the village of Bermutpur, where, after the partition in 1871, rent-rates were raised from Rs. 2 and Rs. 1-8 per bigha to Rs. 3-13 and Rs. 4; Chowsewan, where an attempt was made after a partition in 1882 to raise the rates from Rs. 3-12 and Rs. 2 per bigha to Rs. 7 and Rs. 5; Mahomedpur Subah, where the gross rental has risen from Rs. 1,200 to Rs. 3,150 since 1869; Buthna Dih, where the rates were doubled after the butwarra; Chuk Abdul Wahid, where rents were raised from Rs. 3 to Rs. 5 per bigha, after the partition in 1878; Balia, where the rental has risen from Rs. 125 to Rs. 451, after two partitions in 1878 and 1881; Ghowsi Khan, where rents were increased by 14 annas per bigha, after a division in 1876; Mathurapur, where rents were doubled after partition. Many other instances might be given, but the foregoing will show the arbitrary manner in which rents are enhanced by so-called private agreement, when the proprietor has acquired sole authority over his tenants.

79. I have not mentioned illegal distraints, which are a common form of getting enhancements, because they have not come under my notice. There is, however, the method of illegal cesses. These do not often appear in recently divided villages, because the enhancement is obtained without their help; but in the great majority of undivided villages some illegal cesses were found to be levied in addition to the rent. It was urged that the tenants having consented to them, and they having been in many cases recovered with arrears of rent, they should have properly been considered part of the rental. The law and the rules, however, were distinct that no illegal cesses should be recorded as part of the rental, and therefore all cesses, except the road cess and public works cess, were excluded. The civil courts must determine whether they can decree them on a suit for arrears. Obviously a contract to pay them is void, as, since the passing of the Tenancy Act, all stipulation for payment of illegal cesses are expressly declared void.

Effect of illegal cesses on rents.

80. The cesses which landlords chiefly claimed to be legal was batta at one auna in the rupee, supposed to represent the difference between the value of the rent paid in sicca rupees and in ordinary rupees. Such a cess, however, is now out of date and illegal. Even if justifiable at the time of the change of currency, it would be only equitably recoverable on so much of the rent as was payable at the time of the change of currency. It is obviously unjust to levy it as a percentage on the increase of rental which has taken place since the change of currency. In some cases a double batta was taken, called batta company. The origin of this is obscure.

Enumeration of cesses. Batta.

81. The other illegal cesses were the zemindari dâk cess at half an anna or one anna in the rupee. This is not legally recoverable from the raiyat; so with the embankment cess, sometimes levied at the same amounts. In some villages a cess called *salami* was levied at one anna in the rupee. This was generally at first imposed for some special object, and paid or not, as the raiyats could or could not resist. It afterwards came to be understood as part of the rent. In many cases road cess and public works cess were recovered at the full rates from the raiyat instead of at half-rates. In only a few cases did cesses exceed three annas in the rupee. In addition to these cesses, a fee of three pies in the rupee is generally paid to the putwaries for writing the rent receipt, and something more when the acquittance slip at the end of the year is written. On the whole, the cesses were not particularly varied or excessive. In one village, owned by a sporting zemindar, the Mahunt of Jainthpore, it was said that the

Other cesses.

raiylats had to supply a fund called shirti to assist his speculations on the turf at half an anna in the rupee, and to help him to buy horses; also jeya or oat fees at three pies in the rupee for feeding the Mahunt's horses; budrut or fees for feeding pilgrims; deehdari or peon fees, and furmayesh or contributions of straw and grass. I cannot say if this is true. In most villages the raiylats supply the landlord with thatching grass and other articles of food, as milk or curds, and with bullocks for ploughing, and assist him in other ways.

Sayer of seirat.

82. There are other cesses partially imposed, as a tax of four annas upon the weaving class or Julahars and Binds; four annas or eight annas katyari, which is a tax on pack-bullocks, and upon telis for use of oil-mills; motharfa, a varying tax upon shopkeepers and Sonars. In a few villages a tax was levied on marriages, viz., 10 annas for a boy, and Rs. 1-4 for a girl. All these cesses, so far as they represent house-rent for the occupation of particular lands, seem unobjectionable, but they have not been included in the recorded rentals.

Comparison of present with past sayer.

83. These latter cesses are portions of the revenue of the village known as sairat or sayer, which have been collected from the earliest times. In the assessment register of the pergunnah for the year 1775 to 1786 the following cesses are recorded, viz., bhisonda, or two annas per annum on each buffalo for grazing; burdanr, a tax of four annas on each pack-bullock, paid, however, only by traders who did not cultivate; motharfa, a tax of four or six annas levied on low caste shopkeepers. The essence of all these imposts was that they were not levied upon those who held land in the village, whereas this distinction is not now observed. There were also abkari cesses or taxes for each distillery, eight annas to one rupee, and taxes on the produce of saltpetre.

Revenue from tari-producing trees. Custom regarding such trees.

84. In addition to these items of sayer, are the cesses on fruit trees, &c. In the register alluded to in the preceding paragraph the following cesses are recorded:—

Bysakhi.—or four annas collected on every tar tree producing tari in Bysak.

Gour.—Two annas collected from trees producing in Bhadon.

Basunti.—One anna collected from tar trees in Aghan.

Khejur.—Two annas collected upon each date tree.

Mangoes and Jack Fruit.—The produce was divided half-and-half.

The customs in regard to fruit trees have since undergone considerable modifications, and vary in different villages. In some villages the tar trees are the property of the maliks entirely, and are called dosira. In others, the produce of tar and date-palm trees is divided equally between landlord and tenant. Each tar tree, when producing juice, is valued at eight or 10 annas, while date-palm trees are valued at half the amount. The tenant pays the landlord his share so estimated in cash, and retains the produce. In other cases the landlord has rights only over such trees as have not been planted by the tenant. As few tenants have hitherto held any particular field long enough to be able to claim the whole right over trees standing in it, the landlord generally takes part of the produce of all trees. In other cases the landlord is supposed to exempt the tenant from payment of rent for so much land as the trees cover, in which case he claims all the produce of the trees, otherwise the trees belong to the raiylats. In other villages the tenants claim sole right over tar trees, but this is clearly an innovation, and the claim is only made in villages near Mozufferpore town, where the tar trees are the chief product of the holding. Tenants, as a rule, may not cut down such trees, but if they want them for their houses they ask the landlord for permission to take them.

Custom with regard to fruit-trees.

85. The custom regarding other fruit trees, such as mango and jack fruit trees, also varies in different villages. The general custom is that, if a raiyat wishes to plant, he must first get permission to do so. He then pays rent for the first five years, and when the trees begin to produce fruit, the produce is divided. Similarly, when the raiyat wishes to cut down the trees he must ask for permission, and the landlord gets half the value of the wood, but in some cases he

claims

claims three-fourths. They are generally allowed to cut a bough for any particular household purpose. This custom is, however, falling into disuse. Raiyats often plant trees without asking permission, and in many villages they claim the right to do so, and to have full rights over their orchards. This right is seldom contested.

86. Fisheries and market fees are the subjects of special agreement, and are let out to contractors from year to year. No rights have accrued to any particular individual in respect of fisheries. The purgunnah is well supplied with local markets, where cattle, food-grains, and cloths, &c., are sold, and a toll is levied by the contractor upon each purchase.

Fisheries and market dues.

87. The forms of rent-roll or khatian prescribed did not provide for the record of sayer, or of rent from fruit trees, fisheries, and the like. There can be no doubt that where rent for the use of trees on a holding is payable by a tenant with his rent, such payment forms part of his rent under the definition in the Tenancy Act, but such payments vary every year according as the trees are productive or not, and they could not be shown in the record of rent payable. The plan was adopted of showing the number of trees and the rights of the parties to them in the column of remarks. This, however, was not satisfactory, because it is practically impossible to secure that all trees are correctly recorded. The attempt to record trees caused great difficulties, and often raised disputes. In the case of disputes, it was considered sufficient, except where a regular objection was made, to enter the claims of both parties in the village history, without attempting to settle them, but a number of such objection cases were tried and decided. It would be better, however, to adhere strictly to the form of rent-roll or khatian prescribed, and to leave out mention of trees altogether, and in the column of rent to record merely the rent payable for the land occupied, and not any variable sums which may be due in exceptional years for the produce of trees. It would be sufficient to note the number of trees in the village khasra.

These forms of rent not entered in the record.

88. As a rule, the village site is rent-free; other land occupied by houses outside the village site is generally free, but in some villages, if raiyats build houses in their rent-paying lands, they continue to pay rent for the land so occupied. In villages owned by proprietors of the Kayasth class, the village site sometimes pay rent.

Custom regarding the village site.

89. The number of local village officials varies. In some there is the full complement of putwari, naib putwari, gomastah, barahil or peon of the gomastah and one or more jeth raiyats. Of these, the putwari alone receives anything from the villages, namely, one pice in the rupee for writing a receipt. The others are paid by the landlord. The jeth raiyat receives a varying amount as a deduction from his rent. I have not found that any persons hold at specially low rates, but in some villages high caste men held at lower rates than others. Of the village officers, the gomastah generally collects the rent, while the putwari writes up the accounts and gives the receipt. The jeth raiyat is supposed to represent the raiyat and to supervise measurements and new settlements. He gets an allowance from the landlord, either a deduction from his rent or an allowance for clothing. His position is therefore a difficult one, and in cases of disputes they often side with the landlord. Lists of all the village officials have been drawn up and are attached to the village histories.

Village officials, putwari, &c.

90. The other local stipendaries of the village are the lohar or village blacksmith, who is paid one maund of grain or the produce of one cottah of land per plough. The barber gets about 20 seers of grain yearly per head, and the village washerman gets about the same amount for each woman. These amounts of course vary in each village, but the above-mentioned rates are the average.

Other village officials.

91. During the local attestation of villages, 551 disputes regarding occupancy of lands were decided, and a large number of rent disputes were summarily decided, but of these no record has been kept.

Case work; disputes summarily settled.

There were 721 suits for settlement of rents, but these generally took the form of undisputed cases settled on admission.

There were 1,045 objections filed from the 235 published villages, of which 811 were disposed of as civil suits, and the rest were amicably settled. Of these

Objections.

these 811 cases, 176 were compromised or otherwise disposed of, and 635 were decided after contest.

Objection suits.

The details of these cases are as follows :—

Suits as to occupation of lands	-	-	-	-	-	-	338
„ as to amount of rent	-	-	-	-	-	-	444
„ as to class of holding	-	-	-	-	-	-	17
„ other suits	-	-	-	-	-	-	12
Total							811
Suits for settlement of rent	-	-	-	-	-	-	721
							1,532

Appeals to the Special Judge.

The following is the statement regarding appeals to the Special Judge :—

Total number of appeals up to 9th July	-	-	-	-	-	113
Original decision confirmed	-	-	-	-	-	13
Reversed	-	-	-	-	-	3
Modified	-	-	-	-	-	1
Pending up to 9th July	-	-	-	-	-	96

The appeals were thus 14 per cent. of the number of cases. The number of appeals has been increased recently by 48 cases from one village, in which the rents of each raiyat are disputed individually.

The settlement did not cause excessive litigation.

92. The number of objections filed were 3 per cent. of the number of separate holdings but it sometimes happened that one petition contained objections to the entries of rent payable by, or to the area of land held by a number of raiyats. The number of objections is therefore not strictly a test of the extent to which the records were disputed, nor is it a test of the litigation due to the survey, for a number of objections were disposed of without dispute. It would be fairer to take the number of contested objections which became civil suits, and which were made into suits between the individual parties. The number of such contested objections was a little less than 3 per cent. of the number of holdings. As the landlords and raiyats were given copies of their jammabandi slips, and had every opportunity of disputing the correctness of the entries, the small proportion of objection suits may be taken as a proof that the work was generally correctly done. It is a proof, moreover, that the proceedings were not calculated to give rise to unnecessary disputes or needless litigation. This result cannot but be considered satisfactory, when it is remembered that it was anticipated by some that the survey and settlement would (to quote the words of the late Baboo Kristodass Pal) plunge the country into a flood of litigation, stir up the worst passions of both the landlord and the tenant, open a wide door to perjury and forgery, and throw the agricultural population into a sea of trouble, expense and loss.

Attitude of the people towards the settlement.

93. The attitude of the people was not on the whole unfavourable to the survey and settlement, and the absence of friction and disturbances is perhaps the best proof of this. In only one or two petty cases did the operations lead to a breach of the peace. There was a total absence of factitious opposition, and zemindars and their agents and the raiyats attended when required. Only one application with regard to the Settlement Department, and that an anonymous one, was made to the Board of Revenue in its executive capacity. No appeals in regard to boundary disputes went beyond me to the Commissioner. The number of appeals to the Special Judge was only 14 per cent. of the whole number of suits. It must be remembered that the survey had in a manner been forced upon the people. Neither landlords nor tenants had applied for it. Landlords specially viewed the work with great distrust, as likely to lessen their influence over their tenants. There was also a universal suspicion that it was intended to revise the permanent settlement. The trouble and expense of a survey is always a serious drawback, and although the supervision is ever so active, it is impossible to prevent a large party of amins and settlement subordinates from practising extortions and impositions. There was the more fear of it in this instance because, although pains were taken to inform the people, they could never thoroughly grasp the objects and intentions of the survey. The zemindars did at one time complain of the venality of the amins, but I pointed out that the remedy

remedy was in their own hands. Mr. Collingridge, the manager of the Daudpur Factory, did not give way to the extortions of the amins, &c., and his 40 or 50 villages were completed with less difficulties than many others. So far as landlords give way to extortions in the hope of some profit to themselves they deserve no sympathy. When they do so to avoid subsequent trouble, they are guilty of weakness which is equally inexcusable. Surveys, however, are never popular, and must be troublesome under the most favourable conditions but there was in Mozufferpore no material obstruction to the work, nor were unnecessary difficulties raised. The operations only led to two or three petty breaches of the peace, and no obstruction was offered to the amins. It was, I believe, expected that there would at least be some broken heads, but these fears were in no way realised. So far as I could judge, the landlords at first received the settlement with some favour, as they hoped to take advantage of it for increasing their rents, as is always done after a measurement. In several cases they did succeed in getting their raiyat to admit enhanced rentals, but this became more difficult as the operations went on, especially among the petty proprietors of the south of the district. It was found that an increase of rent did not naturally follow an increase of area, and the landlords were naturally disappointed at this result. There was also a feeling after the beginning of 1886 that Government would not carry on the operations, which had a bad effect; but, except among the petty zemindars, there was no disposition to stand aloof and disregard the work. The feelings of the landlords have been already fully placed before the Government in a letter from the Secretary to the Behar Landholders' Association, and it is not necessary to comment on them further. They are not altogether unfavourable to a survey, as they think that it might usefully be revived in three or four years' time, when they will have secured their position by trustworthy proofs of their rights; and the Secretary himself could not have been altogether averse to the work, as he applied, when it was stopped, to have the settlement completed in several villages in which he had an interest.

94. The indigo-planters at first regarded the survey with great abhorrence. It was, as one gentleman told me, a name to frighten children with. They feared that it would lead to disputes and disturbances. As an example of their apprehensions, I may mention that the agent of a factory, in the course of a dispute as to rents, was asked by me when the dispute began. He replied at once "when your honour began all this disturbance" (*jub hazaar se yah bahwa utha*). As the objects of the settlement became known, and it was seen that there was to be no subversion of the present condition of things, and that the settlement only aimed at being a record of existing facts and rights, they began to view the work with favour, and, from what I have heard, I believe that the general opinion now is that it would have been a good thing if the whole district had been settled. It would enable the managers of factories to deal directly with the raiyats. They would thus be independent of the proprietors to whom now they have to pay large sums for the renewals of leases, and whose villages they have often to take in lease at a serious loss. Throughout the whole of the operations I have received the most cordial assistance from those managers of factories who came within the scope of the survey. I am specially indebted to Mr. Collingridge, the manager of the Daudpur concern. A large number of his villages were among the first to come under survey and settlement. Our inexperience of the work made it tedious and troublesome, but he was always ready to render assistance, and bore with all the inconvenience it caused him with patience and good will, and this, too, when the survey could be of little use to him, as he had all his zemindari accounts in good order.

Attitude of indigo-planters.

95. The raiyats at first viewed our operations with apathy, and suspected Government of sinister motives. It was difficult at first to get them to attend at the attestation of the papers. After a short time, however, they began to see the advantages of the operations, and I always found them to attend readily. When their jammabandi slips were distributed, they came forward eagerly and took pains to see that their lands and rents had been correctly recorded. I believe that they will look upon these records as the charter of their rights, and that they will not consent to pay more rent than is there recorded as recoverable.

Attitude of the raiyats.

96. The record will also be especially valuable in fixing their rights to occupation of lands. Although uncertainty as regards rents is injurious to the prosperity

Effects of the settlement on the raiyats.

prosperity of the raiyats, yet it does not appear that the payment of a slightly enhanced rent has any serious effect. Although the rents payable in two adjoining villages may differ, there is never any noticeable difference in the condition of the inhabitants of such villages. It would appear as if the real misfortune is the want of fixity of tenure. When a raiyat has a perpetual lease of a portion of land he fences it in and cultivates it carefully; but if he feels that he may have to give up a portion of his holding at any time, he can never work to the same purpose, and he will always be in a depressed condition. There is a constant tendency to oust raiyats from their lands and to convert them into zerait, both by the proprietors and lessees, and, in my opinion, the survey and settlement will do more good by giving security of tenure than by fixing rents. Wherever I have compared present holdings with those recorded in recent rent-rolls, numerous alterations have taken place in the area of the holdings, thus arguing a general insecurity of tenure. The settlement records will, I think, be of great value in removing this insecurity, even if they are not maintained. It is the magic of property which will have the greatest effect. I do not consider that the maintenance of the records is of very great importance, because I believe that, in future, when the rights of the raiyats have been recorded, the changes will be few. It has already been noticed that the sales of holdings and of portions of holdings has increased in settled villages, and this fact is a proof that an authoritative record increases the value of property. Had the work been carried through firmly and regularly, I have little doubt but that both landlords and tenants would have in a short time recognised its advantages.

Difficulties experienced in carrying on the operations.

97. Before, however, the advantages of surveys and settlements are fully recognised, it is of the highest importance that some method of carrying them out with the least trouble and expense should be adopted. In the present settlement there was the disadvantage of acting under a new procedure and a new law. The great sub-division of estates and the general disintegration caused by breaking up villages into numerous small properties made the work slow and tedious. The rent of one individual tenant had to be settled with

The dual system of survey and settlement not well adapted to Bengal.

three or four landlords. Again, I am doubtful whether the dual system adopted from the North West Provinces, by which the Survey Department records one set of facts, and the Settlement Department another, is well suited to a district where old records are not in existence. It must be remembered that under the Bengal system, the survey records much less than under the North-Western Provinces system, as is pointed out in paragraph 18. It is true that the Survey Department accepts the responsibility of recording certain facts correctly, but what is the worth of this responsibility? Under their procedure, only 25 or 30 per cent. of the entries are tested, whereas the Settlement Department must test again every entry, and it would be better if this department took the responsibility at once. It seems to me that it would be a better plan to lessen the responsibility of the Survey Department to the correctness of its maps. I have said before that in a settlement like that of Mozufferpore, which is really only a record of existing facts, and where rents are not to be adjusted to new areas, little more than an index map is required to show the position of the fields. Accurate plotting is not necessary. However accurate the maps are, they could never be used to decide the petty boundary disputes which arise between the occupants of adjoining fields. Such disputes generally affect a few feet of land, and the maps do not profess to be so accurate that a distance of two or three feet could be marked off by scale. If the responsibility of the survey were lessened, it would be possible to reduce the supervising establishment of that Department, and to place it altogether under the Settlement Department. The Settlement Officer could easily acquire sufficient knowledge of surveying to be able to test the accuracy of the interior village measurements. To ensure accuracy, the exterior measurement must always be in the hands of professional surveyors.

Difficulties in disposing of objections and deciding disputes.

98. Another difficulty was in the settlement of disputes. The rules framed under the Tenancy Act provides that disputes shall, if possible, be settled summarily and by local inquiry. If the parties are not satisfied, they may proceed by making an objection, which is to be tried as a civil suit. It is obviously difficult to try all disputes as civil suits, because the parties may not be

be prepared for the procedure, and may not want them decided at once. A civil suit implies that one party to it wants something, but in most cases of disputes in the settlement proceedings, both parties claim to be in possession of something, and they do not wish to be forced to prove it. In such cases it is difficult to make a civil suit out of a dispute. Therefore, after local inquiries, the Settlement Officer could only draw up his draft record according to the result of such inquiry. Then it would be seen whether the dispute was fictitious or genuine, and a way would be left open for an objection, which the Settlement Officer would again have to try with the full formalities of a civil suit. In the case of ignorant raiyats, it was difficult to get the records into such a shape as would stand the scrutiny of the Appellate Court. I am of opinion that the procedure adopted in settlement proceedings in the North Western Provinces is more satisfactory, where the Settlement Deputy Collector decides the disputes on such evidence as is produced, of course granting adjournments for the production of evidence where required, and where an appeal lies from their decisions to the Settlement Officer and the Commissioner. The system under the Bengal law differs in this, that an objection may always be made to the summary decision of the original Settlement Officer, and that this objection is treated as a civil suit, and has again to be tried either by the officer who decided the dispute originally, or by some other officer. If such objection cases were heard by the officer who made the original decision he would be trying an appeal against his own decision, which would be unsatisfactory. If, as I attempted to arrange, all objections were heard by myself, the Settlement Officer would be overwhelmed with civil case-work. Under the present system the introduction of the Civil Court Procedure in deciding disputes must always make the work of settlement slow and expensive. The system which I presume was contemplated by the law was that every dispute was to be decided at once by the Settlement Officer as if it were a civil case, but this is open to the difficulty urged at the beginning of the paragraph; that parties are not prepared for this procedure, and decrees might be passed after an insufficient inquiry which would bind them unfairly.

99. If it be objected that the summary system of deciding disputes is not suited to Bengal, where the parties would not be satisfied without availing themselves of all legal opportunities, I can only say that a number of disputes were summarily settled to the satisfaction of the parties. In disputes as to rents, it was generally found that the landlord overstated his demand, and the raiyat understated it. Inquiries from bystanders chosen at random, and not selected and tutored witnesses, generally elicited the truth, which of course, is known in the village, and when the true facts came out the dispute was dropped. In one case, by visiting a village, I induced the landlord and the raiyats to arrange their disputes as to rents amicably. If they had been tried as civil suits, they would have taken days to decide. There was no doubt as to the facts, but the proofs were as usual weak. In another instance there was a dispute as to occupation of lands which the landlords said had been resigned by the raiyats. The raiyats, low-caste cultivators, would not come forward when sent for. I went into the outskirts of the village to make an inquiry, but still there was no sign of them. I then went into the village and the whole claim of the landlords collapsed. They yielded, and the raiyats were retained in possession. Had there been a civil suit, the raiyats would never have come forward, and they would have lost their lands. One great evil of the Civil Court Procedure is that local inquiries are of little use. The inquiring officer has always to record evidence, and cannot, except indirectly, put on record the result of his inquiries. It is obvious too, that if the Settlement Officer has to sit in court and record evidence, he cannot also afford time to go about the villages and make local inquiries. Another evil of the introduction of the civil court procedure is that the landlord by reason of his resources has a better chance of winning the suit than a petty cultivator, whereas in local inquiries they are both on an equal footing. I consider the method laid down for the settlement of disputes as the chief blot in the system of settlement under the Bengal Tenancy Act.

The procedure might with advantage be modified so as to exclude the Civil Code Procedure.

100. Another difficulty arose in the publication of the records. The draft record is by rule to be published by being placed in the village cutcherry of the landlord, or if there is no such cutcherry, in some conspicuous place in the

Difficulties in regard to the publication of the records.

village. Owing to the large sub-division of estates there is seldom a single village cutcherry. The cutcherry is generally the verandah of the landlord's house. A publication of this kind is of no use to the raiyats, who would probably never see the records. The idea of publishing the records by fixing the volume of papers in a conspicuous place in the village is out of the question. I therefore decided to make over to the raiyats copies of their jammabandi slips simultaneously with the issue of the copy to the landlord. The latter copy was left with one of his subordinates, and the raiyats came to the head office for their copies. I found that the system worked very well; both parties came to know the contents of the records, and if anyone did not get a copy, he could always come to the office and get it. As the proportion of papers corrected after objection was very small (about 4 per cent.), it was not necessary to issue fresh copies to the raiyats. The same difficulty arose in connection with the publication of the final copy, and in the absence of any village cutcherry I had the records deposited with the jeth raiyat or village punch. I think the last publication is superfluous, and the publication could be better made by deputing a trustworthy subordinate to read out the entries in the Final Record in the village before depositing it in the Collector's office. Thus, instead of five copies of the records, three only would be necessary. If there be a village patwari, and he wants a copy, he could make it for himself. The chief value of the record is, in my opinion, for reference in case of disputes. I am glad to say that the records are already being used in the determination of civil and criminal cases, and it is not likely that they will be disregarded.

Conclusion; the work done, though small, proves the necessity and the possibility of carrying out a record of rights.

101. The area, however, for which records have been completed is too small for the work to be of any material value. It is chiefly useful as affording a test that such operations are possible in Behar. It is also proved that some such measure for improving the position of the raiyats is absolutely necessary if their rights are not to be entirely confiscated, and if a system by which they have hitherto been deprived of more than half their legitimate share of the profits of their lands is not to be perpetuated. It is required, if only to settle disputes between landlords and tenants. Of 48 villages which came under settlement before me in October last, the rents were undisputed in 17 villages only, while in 10 villages they were disputed throughout. It is not possible for any people to prosper when the primary conditions of their social economy are so unsettled. The work which has been carried out, has further shown that a settlement under the Tenancy Act would not be unpopular. Even the zemindars have admitted that it would be beneficial, if carried out in a few years' time, when they have prepared themselves for it, and the raiyats have been seen to take an interest in the proceedings, and to recognise the value of the record. If the work is at any time renewed, it is to be hoped that the experience now gained will make the operations easier, and it is with this view that I have given, at perhaps unnecessary length, a detailed description of the course of the work, and of the lessons to be derived from it.

Character of officers.

102. The Baboo Nundjee, Deputy Collector, was Assistant Settlement Officer from the commencement of the operations to November last. He is a strong and experienced officer and capable of hard work. His services were specially valuable in the disposal of boundary disputes, and in all work of an executive nature. He became thoroughly conversant with the rules and system of settlement, and was of great assistance to me in carrying on the work.

Baboo Barhamedo Narain, Deputy Collector, was Assistant Settlement Officer from May to December 1886. Being a landlord of this district, he was well versed in the system of zemindary management. He is a fair lawyer, though slow, and at times over-cautious; his work, especially judicial work, was well done.

The following is a list of the statements appended :—

- Appendix A. Classification of the area by cultivation.
- „ B. Classification of the area by fiscal arrangements.
- „ C. Statement of holdings.
- „ D. Statement of mortgagees and under-raiyats.
- „ E. Statement of crops.
- „ F. Comparative statement of existing rates of rent, and rates existing at the time of the settlement of land revenue.
- Appendix G.

Appendix G. Comparative statement of rents before and after partition.

„ H. Translation of a lease referred to in paragraph 72.

„ J. Statement of castes.

„ K. Statement referred to in paragraph 36, regarding cultivation in 48 villages.

Map of the pergunnah, with settled villages marked.

Mozufferpore, 18 July 1887.

(signed) *E. W. Collin*,
Settlement Officer.

Enclosure 6 in No. 1.

From Sir *E. C. Buck*, Secretary to the Government of India, to the Secretary to the Government of Bengal.

No. (433 R.—39—2), dated 16th June 1888.

Sir,

I AM directed to acknowledge the receipt of your letter No. 283, dated 25th January, submitting a report by Mr. *E. W. Collin* on the experimental survey and record of rights undertaken in the southern portion of the Mozufferpore district.

2 The operations were initiated in November 1885 simultaneously with the passing of the Bengal Tenancy Act, with the object of gaining some experience of the difficulties to be met with, and of the best and most economical methods of dealing with them, as well as of gauging the probable cost of the proposed measures. They ceased within a period of little more than a year on the abandonment of the Bill for the reorganization of patwaris in Bengal. The work consisted of three different stages; demarcation, survey, and preparation of records. By the early part of 1886 the Settlement Officer had determined the boundaries of 916 villages, comprising 566 square miles, and marked with stone pillars the trijunction points of 892 additional villages with an area of 555 square miles. The survey work comprised the mapping of the boundaries of 1,356 villages, or 700 square miles, and of cadastral or detailed field measurements of 413 square miles. To the survey party also fell the preparation of the first draft of a portion of the record. By October 1886 the drafts for 552 villages, comprising about 300 square miles, were prepared and forwarded to the Settlement Department for attestation and completion. The Settlement Department attested and completed the record of 356 villages (155 square miles), the operation involving a record of the rents of 43,778 holdings, and of these, the records of 235 villages, with an area of 88½ square miles, had been finally framed and published as required by the Tenancy Act when the orders were issued closing operations.

3. The expenditure incurred was Rs. 192,784, of which Rs. 129,116 was on account of the Survey Department, and Rs. 63,668 on account of the Settlement Department. Besides the cost of a large number of surplus stone pillars for marking trijunction points, these sums include the heavy initial outlay unavoidable in organising new establishments and a system more or less experimental. They furnish, therefore, no accurate indication of the rate of expenditure to which similar operations might be reduced in future, if undertaken on a more permanent and extended scale, and, owing to the work having been closed in various stages, no general average rates can be deduced. The cost of the cadastral survey is estimated at Rs. 225 per square mile, or about 6½ annas per acre. The policy, however, which has now been pursued by the Bengal Government, in committing the supervision of the Survey and Settlement of temporarily settled areas aggregating several hundreds of square miles to the careful supervision of the Agricultural Department under the orders of the Board of Revenue, will, as intimated in the 10th paragraph of the Despatch, No. 3, dated 10th May 1887, to the Secretary of State, result in a considerable economy in rates of expenditure and a firmer knowledge of the system to be proposed. As already acknowledged by His Excellency in Council in the 1st paragraph of my letter No. 111A, dated 13th February 1888, the policy thus

adopted under the orders of Sir Steuart Bayley has already begun to bear fruit. It is probable that within a measurable period, a very considerable reduction could be made in the estimate deduced from the actual rates involved by the Mozufferpore operations.

4. His Excellency the Governor General in Council has, I am to state, perused, with interest, the report submitted by Mr. Collin of the work briefly summarised in the preceding paragraph, and notices with satisfaction the remarks made by His Honour the Lieutenant Governor on the tact and ability displayed by that officer in carrying out the duties entrusted to him. The opposition offered to the progress of the work was inconsiderable, and the fears entertained that it would involve litigation have not been realised. This favourable experience is doubtless in great measure due to the circumstance that except in a few cases where applications were filed for a judicial revision of rents, operations were confined to ascertaining and recording existing facts. But having regard to the confusion and ignorance which appears to surround the position of tenants in the tracts dealt with, and the absence of any reliable records of their rents, the comparative facility with which these questions have been disposed of by the Settlement Department is a matter for congratulation, and augurs favourably for the success of future work of the same nature. The report throws much light on existing agricultural conditions in Behar, and is a valuable addition to the evidence already collected of the depressed state of the cultivating classes in that tract. It shows that among the many causes, social and economical, which have contributed to bring about the state of things described, one of the foremost is the frequency and severity with which rents have been enhanced, particularly on the numerous occasions when estates are partitioned. This process, which is still going on, has been rendered possible and promoted by the absence of a proper record, and the consequent uncertainty which prevails both as to tenures and rent.

5. The Tenancy Act, which has defined and enlarged the rights of the tenant may, as anticipated by the Government of Bengal, by its own operations in process of time, provide him with the proofs necessary for establishing and maintaining the position to which he is entitled under its provisions. But, in the opinion of the Government of India, there is strong evidence in the present report that in tracts like Behar it would be unwise to trust to the slow and imperceptible action of this agency to work out the reforms which are shown to be urgently needed. In such tracts an authoritative survey and record appears to be indispensable to give reality to the provisions of the Act within any reasonable period; the one is a natural complement of the other, and it is not suprising to find that in the absence of a record there is a general reluctance on the part of tenants to claim the position conferred by the Act.

Of the value which the tenantry would attach to such a record, Mr. Collin bears testimony in his remark that "when the Jamabundi slips were distributed the tenants came forward eagerly, and took pains to see that their lands and rents had been correctly recorded," and there is no reason to doubt the correctness of his conclusion, that having this record in their possession they will not consent to pay more rent than is there recorded as recoverable.

In view of these considerations, the arguments which have been urged against a survey and record until an agency can be created for maintaining them up to date lose some of their force. That the full benefits of a record of rights cannot be secured unless it is continuously maintained is obvious, and the Government of India is not without hope that a solution of the difficulty will be found in the inquiries in progress. But even were it otherwise, His Excellency in Council is forced by the experience of the recent experiment to the conviction that a survey would be justified by the unquestionable advantages it would confer in determining existing tenures and rents in a manner which could be asserted and maintained under the Tenancy Act.

6. Holding these views, and apart from the question of the financial cost of the operations, His Excellency the Governor General in Council entirely concurs in the opinion expressed by His Honour the Lieutenant Governor that the experimental survey in Mozufferpore has been a success, and that it is desirable to extend the measure to other tracts where uncertainty as to existing rents prevails. I am instructed, therefore, to state that the
Government

Government of India will be prepared to consider any proposals based upon such reduced rates as later experience may have proved to be justified, which the Government of Bengal may hereafter make for the further extension of survey and settlement operations in the permanently settled districts of Bengal. The matter may now be said to have passed out of the stage of experiment, and to afford a basis on which proposals can be framed as soon as, on the one hand, the inquiry to which you refer in the eighth paragraph of your letter, as to the most practical and economical method of maintaining a record, is completed, and on the other, sufficient experience has been obtained of the cheapest system of measurement in temporarily settled tracts or in estates in which a survey has or may meanwhile be introduced with the consent of those interested. As it may be necessary that the cost of preparing and maintaining the record should be borne by landowners and tenants, the question which demands the closest consideration is the extent to which a reduction can be made in the cost of survey, and subsequent maintenance of the record consistent with securing the end in view.

7. In conclusion, I am to say that the Government of India will be glad if, when submitting its views and proposals, the Government of Bengal can furnish an estimate of the period for, and extent to which it will probably be necessary to indent for survey establishments on the Imperial Survey Department. The question is of some urgency, as the approaching termination of Revenue Survey work in other Provinces renders it necessary that a programme of work should be prepared beforehand for some years to come, and that early orders should be communicated to the Surveyor General as to the number of parties which it will be requisite for him to reserve for operations in the Bengal Presidency.

I have, &c.
(signed) *E. C. Buck.*

— No. 2. —

From the Secretary of State for India in Council to the Governor General of India in Council.

Revenue, No. 66.

My Lord,

India Office, 16 August 1888.

I HAVE considered in Council the interesting papers received with your Letter, No. 6, dated 23rd June, concerning the experimental survey of a small tract in the Mozufferpore district of Bengal.

2. The Settlement Officer, who appears to have conducted his operations with skill and judgment, is careful to say that, for statistical purposes, generalisations cannot be safely based on the facts ascertained over a limited area of 56,588 acres. Still, so far as the proceedings went, they show,—

- (1) that the work of survey and of recording rights in Behar was smoother than had been expected; that it was satisfactory to the ryots, and not disliked by the zemindars;
- (2) that the whole operation can probably be carried out at a cost of not more than 320 rupees per square mile;
- (3) that the work has not given rise to litigation or class enmities, while it has safeguarded the position of the ryots and increased the value of their rights.

3. I observe you incline to the opinion that, even if the continuous maintainence of the village record cannot be fully secured, still an accurate record of existing facts would be of great advantage, as affording a basis on which a better state of things might grow up under the Tenancy Act. And you concur in the Lieutenant Governor's view that a survey and record of rights ought to be attempted in other permanently settled tracts, where doubts prevail as to existing tenures and rents. I fully agree in your opinion that, if

the work is undertaken at all, the cost of the survey and of the subsequent maintenance of the village record must be kept within the narrowest possible limits of cost, as the expenses will have to be defrayed by the classes and localities concerned. I shall await with interest further information and proposals on these most important matters.

I have, &c.
(signed) *Cross.*

— No. 3. —

From Government of India (Revenue and Agricultural Department) to Her Majesty's Secretary of State for India, dated 7th January 1890.

No. 1 of 1890.

My Lord,

IN compliance with your Lordship's wishes, as expressed in the Revenue Despatch, No. 66, dated the 16th August 1888, we have the honour to forward, for information, the further correspondence that has passed between us and the Government of Bengal regarding the prosecution of the survey and record of rights of the Patna Division in Bihar. A further report will be submitted when the reply of the Bengal Government to the final letter in the series is received.

We have, &c.
(signed) *Lansdowne.*
F. S. Roberts.
G. Chesney.
A. R. Scoble.
C. A. Elliot.
P. P. Hutchins.
D. M. Barbour.

Enclosure 1 in No. 3.

Revenue Department.—No. 3343—1123 LR.

From *C. E. Buckland*, Esq., Officiating Secretary to the Government of Bengal, to the Secretary to the Government of India.

SIR,

3 September 1889.

I AM directed to acknowledge the receipt of your letter, No. 433R—39—2, dated 16th June 1888, on the subject of a proposal to make a survey and record of rights in Behar under Section 101 of the Bengal Tenancy Act, and, in reply, to offer the following observations.

2. In Mr. Nolan's letter No. 283—116 LR, dated 25th January 1888, the Lieutenant Governor expressed his satisfaction with the result of Mr. Collins' experimental survey of a selected area of Mozufferpore, and his Honour's desire to extend the scope of the operations to other tracts similarly situated; that is to say, where uncertainty prevails as to the amount of the rents which the landlord may legally claim. No immediate application was, however, made for the sanction of the Governor General in Council, necessary under Section 101, Bengal Tenancy Act, to the initiation of such proceedings, as it was considered best to gain experience, in the first instance, by the survey of lands under the control of Government, and of estates the proprietors of which had voluntarily offered to pay the necessary expenses; also because the question of making arrangements for preserving the results of surveys by a continuous record of all rent transactions was at the time under consideration. In regard to the utility of commencing proceedings when circumstances did not permit of

of the subsequent registration of all agricultural occurrences, Sir Stuart Bayley stated that his view differed from that previously adopted, inasmuch as he believed that a survey under the Bengal Tenancy Act would in itself produce benefits worth more than the cost involved, even if no novel means were adopted

*No. ^{433R}₃₉₋₂, dated 16th June 1888.

for recording subsequent changes. The Government of India,* in reply, intimated

entire concurrence in these opinions, dwelling on the advantages of a survey in the case of estates such as those dealt with by Mr. Collin, and also on

Letter to Board of Revenue, No. 2347—1031LR, dated 20th July 1888.

Letter from Board of Revenue, No. 389A, dated 6th May 1889.

Letter from the Commissioner of Bhagulpore, No. 2381R, dated 8th December 1888.

Letter from the Commissioner of Bhagulpore, No. 27Ct., dated 17th December 1888.

Letter from the Commissioner of Patna, No. 233V, dated 21st March 1889, with enclosures.

Note from the Commissioner of Patna, dated 15th August 1889.

the probability that the cost of the work, which is the great objection to undertaking it, might be considerably reduced.

The letter of the Government of India was communicated to the Board of Revenue for further report, when the necessary experience had been gained, and I am

now to forward a copy of the resulting correspondence, as noted on the margin,

which further illustrates the whole subject.

3. The letter of the Commissioner of the Patna Division, No. 223V, dated the 21st March, indicates that the uncertainty as to existing rents, which constitutes the main consideration in favour of a survey and record of rights, prevails throughout Behar generally, the exceptions being of minor consequence, and of such a character that they can best be dealt with by making special exemptions on cause shown. For instance, a large portion of the estates of the Maharajah of Durbhunga were surveyed and settled during his minority, and subsequently by Mr. Finucane. It cannot be said that the uncertainty in these portions is such as to require a fresh survey and settlement. Mr. Boxwell's letter also adds considerably to the evidence which previously existed of the evils by which the general uncertainty is attended, and of the prospect of their ceasing, or being greatly diminished, on the application of the proposed remedy. He finds that abuses are being mitigated by the operation of the Bengal Tenancy Act, but that this healing process has been greatly accelerated in the selected tract by Mr. Collin's survey, and that similar benefit would result to his Division generally from the larger measure under discussion; and in this opinion the Lieutenant Governor entirely concurs.

4. Mr. Halliday, the Member in charge of the Land Revenue Department of the Board, in directing special attention to the observations made by the Commissioners and by the Collector of Chumparun as to the effect which the contemplated survey and settlement may probably have on the cultivation of indigo by planters holding temporary leases of villages as thikadars, raises the question whether Government should interfere to set aside by the proposed operations long prevailing customs and the traditional relations between these thikadars and their ryots. A doubt of this kind coming from an officer of Mr. Halliday's experience and judgment, is entitled to the greatest weight, but it is not mainly from this point of view that the question is looked at by the local officers. Their view seems to be that while the survey will check existing facilities for abuse of the thikadari system, it will strengthen the hands of planters who deal fairly with their ryots. There is no reason whatever why a survey and settlement should disturb any legal custom or approved tradition. Its effect will be to define the holdings and rents of each ryot, and, while it places in the landlord's hand a means, which very few now have, of proving without difficulty what he is entitled to claim, it gives the ryot the power of resisting illegal and improper claims. Such a power is of unquestionable advantage to both the planter-thikadar and to the cultivator. It will check the malpractices which still exist in a few factories, but it will not alter the terms on which in most factories indigo is willingly grown by the ryots. It will greatly diminish the power of patwaris and of the amlah generally, but it will place the ryot in a position to grow indigo on commercial principles and sell it, or to sublet his land for this purpose without involving the necessity to which the planter is now subject of taking from the zemindar a thika of a village at a rental admittedly a good deal higher than his collections, in order

to purchase the zemindar's non-interference. As a means of strengthening the system of *khushgee* indigo (which means purchase of the plant from an outside ryot over whose land the planter has no control) the system will be of unquestionable advantage. On this subject Mr. Henry, whose opinion carries great weight with the Lieutenant Governor observes : " It is mainly with the object of enabling their managers to deal more directly with the ryots that the proprietors of several concerns are anxious to have the survey operations carried out."

5. The consideration that it is desirable to obtain the benefit of further experience before undertaking the survey of private lands without the consent of the proprietor appears to be no longer applicable. The operations to which the Lieutenant Governor looked primarily for instruction for a Behar survey were those conducted on the large estates of the Banaili Rajah and the Srinagar Ward in the adjoining Division of Bhagulpore. These surveys will be concluded next cold season, and this Government is now in as good a position as is likely to be attained within any reasonable time, for organizing an establishment on an economical scale. The Director of Agriculture considers that the survey of Behar will not cost more than $6\frac{1}{2}$ annas an acre ; a sum to be compared with the former estimate of eight annas an acre ; and of this one anna will be chargeable to the Government of India as the cost of the traverse survey, leaving five-and-a-half annas only to be paid by the persons interested. It is, however, to be observed that the reduced estimate has not yet been carried out in practice, and that it is necessary, for the financial security of Government, to leave a margin. In deciding whether the work should be undertaken, the cost may be taken to be from $6\frac{1}{2}$ to 8 annas an acre, with a probability that the smaller sum will not be exceeded.

6. It is necessary to bring to the notice of the Government of India that Government cannot absolutely avoid all financial responsibility in regard to these surveys. The expenses can be recovered under Section 114 of the Bengal Tenancy Act only after they have been incurred by Government in the first instance, and the law does not make the zemindar responsible for collecting from his ryots the portion of the charge imposed on them. Under the system of direct collections from the impecunious ryots of Behar, a certain allowance must be made for bad debts, and, even in regard to the portion of the demand made against landowners, there may probably be some irrecoverable balances. It is presumed that the loss caused by failure to recover from individuals cannot be distributed rateably among the solvent debtors, there being no provision to that effect in the Act. No experience has as yet been gained in working the Act of the proportion which these bad debts may be expected to bear to the whole assessment, as surveys have hitherto been made only on the strength of deposits for costs under Section 103 of the Act, or on Wards' estates where the Board can control realizations ; but, judging from the result of the steps taken to recover Government dues generally, it cannot be very large. On the other hand, Government gains by the court-fees on petitions presented during the course of a survey, and this may be taken as a set-off against the loss from irrecoverable balances. The expenditure on the latter account might be divided between the Imperial and Provincial accounts in the same manner as the receipts from court-fees ; that is to say, in the proportion of one to three. It is a question, moreover, whether, during the currency of the existing contract, the Provincial Government will be in a position to advance out of revenue the requisite sums for carrying out the survey and settlement on the contemplated scale. The Lieutenant Governor has been advised in a recent case that certificates cannot be legally issued for the recovery of expenses under Section 114 of the Bengal Tenancy Act till the proceedings (for a given area) are complete and the full expenditure known. This would in practice render it impossible to commence the recovery of the cost of the operations for a full year after they had commenced, and the Provincial Government must expect to be out of pocket for at least a year to the extent of the first year's operations. This point, however, will require separate consideration hereafter.

7. The main objection, however, to such a survey as is contemplated is not the

the temporary inconvenience to Government, but the very serious expense which has to be recovered from landowners not disposed to regard the work very favourably, and from cultivators who are generally poor. In illustration of the incidence of this outlay it may be noticed that the cost of surveying the district of Mozufferpore, which has an area of 3,003 miles, would be Rs. 7,80,780 at 6½ annas the acre, of which two-thirteenths, Rs. 1,20,120, would be borne by Government for the traverse, and the remaining Rs. 6,60,660 would be distributed between those interested in land and recovered as the survey was completed, that is to say in the course of two years and some months. The largest amount realized in one year would be about three lakhs

• Rs. 9,73,586.

† Rs. 2,78,251.

— a sum which may be compared with the revenue of the district, nine lakhs and three quarters,* the road and public works cesses,† two lakhs and three quarters, and the rental, which is forty-four lakhs and a half. The total charges on the land during the period of collection, on account of revenue, cesses, and survey, would be Rs. 15,51,837 a year, a little more than a third of the rental, and the additional burden caused by the survey would be about 7 per cent. on the rental. Mr. Boxwell speaks of the cost as a trifle, remarking that the survey would, on the whole Division, cost somewhat less than three years' cesses, and might easily be distributed over three years. The Lieutenant-Governor cannot agree in this view. The amount is heavy in itself, and is not made lighter by being computed in terms of the cesses, and it is this aspect of the question which has given the Lieutenant-Governor the gravest anxiety as to whether the undoubted advantages of the measure were sufficient to justify what is certainly for the time a very severe addition to the burthens of the people of the province. On the whole he is of opinion that the burthen is not more than the land can bear, and the advantages outweigh the costs.

8. One other objection to the proposed survey still requires to be noticed — the opposition which it must in all probability provoke. It will not be so unpopular as the measure originally contemplated, for that included also the maintenance in perpetuity of a strict system of village account, — a policy which the Bengal zemindars have successfully opposed for nearly a century, — but the project will undoubtedly be received unfavourably. The work will put an end to the large profits made by those who collect rent for the proprietors, a numerous and powerful class divided into various grades, from the farmer of many villages to the patwari or gomashtha. These men exercise considerable influence over the zemindars, who cannot be expected to be prepossessed in favour of a measure, the immediate effect of which will be to impose a charge on their estates, with the ultimate consequences of preventing them from enhancing their rents by illegal means. The ryots appreciated the Mozufferpore experimental survey, and showed on that occasion that they are not blindly carried away by their traditional dread of the measuring rod. It is one thing, however, to accept a survey which costs the individual ryot nothing, and quite another thing to accept a similar survey which has not been asked for and will cost each ryot an appreciable sum. It is not to be expected that the ryots will do more than tacitly acquiesce anywhere, and in some places they may very probably oppose; even where most favourable they can give little help in the discussion of the question. It is known that some representative indigo-planters are distinctly in favour of a survey; many, however, will not improbably oppose the measure, influenced to a great extent by deference for the zemindari interest, with which they are intimately connected.

9. Reviewing the question as a whole, the Lieutenant-Governor considers that the considerations in favour of the proposal decidedly preponderate, and he would now ask the Government of India to accord sanction under Section 101, Bengal Tenancy Act, to the making of a survey and settlement of rights of the Patna Division generally, with power to exempt particular tracts, for special cause shown, were it not for a consideration which is of temporary application only. This has reference to the partial failure in that Division of the last autumn and winter harvests, which has now been aggravated by serious injuries caused by the recent floods to the autumn crop now in the ground throughout the districts of Chumparun and Mozufferpore, and in a less degree of Durbhunga. These losses have very seriously reduced the means of both

proprietors and cultivators. The time is certainly not opportune for imposing an immediate burden on landowners or ryots in the hope of ultimate benefit. The Lieutenant-Governor has consulted the Commissioner as to whether, in these circumstances, he would commence the survey in South Behar, which has suffered less than the trans-Gangetic districts, but he points out that the *bhaoli* system in South Behar renders the necessity for a survey in those districts much less urgent than in the north, and moreover he thinks the political advantage of re-commencing the survey in those very tracts where it was abruptly brought to a close, and where its continuance and completion is much desired, outweighs all other considerations, and should on no account be foregone. In these views Sir Steuart Bayley concurs. All, therefore, that can now be asked for is the recognition of the expediency of adopting such a measure when the Lieutenant-Governor shall consider that the effects of the present scarcity have passed away, which will assuredly not be the case before the field season of 1890-91. To determine the exact time when the effects of the failure will have disappeared, must, however, be reserved for future enquiry, as the event will greatly depend on the fortunes of the coming agricultural year.

10. It has been said that the expediency of making a record of rights is no longer considered to depend on the possibility of keeping it up year by year by means of a permanent agency, and it follows that the question whether the proposed order shall be passed under Section 101 of the Bengal Tenancy Act, can be settled without deciding at the same time on the policy to be adopted as to the revision of the Patwari Law. On this point the Commissioner of Patna remarks: "It is acknowledged that the survey with its original record is of itself quite worth the cost without any mutation register or attempt to keep our records from year to year abreast of events. Moreover, with our present machinery we could only do mischief if we made any such attempt."

The importance of keeping up the settlement record is, however, fully realized; and in accordance with the views of the Government of India upon the subject, the following rules have been passed in respect to the maintenance of the results of surveys on temporarily-settled and Government estates:—

"When the estate or tenure is large enough to permit of the expense, provision should invariably be made for the maintenance and correction of the maps and records, so that they may be written up to date from time to time, in accordance with such rules as the Board may prescribe in this behalf, and also in order that the harrassment and expense of re-measurements and re-settlements may be obviated.

"(a) In estates held khas, arrangements should be made to have this work done through the agency of patwaris, where they exist, and where they do not exist, through the collecting agency, or where necessary by an agency, to be appointed for the purpose, by whatever denomination it may be called.

"(b) In estates the property of Government which are not held khas, before granting a lease or farm, an officer should be appointed by the settlement officer to be patwari with an assignment for maintenance in money or land, the amount or extent of which should be fixed by the settlement officer. The farmer should be bound by the terms of his lease, if the assignment is in money, to pay this officer his salary, and in every case to furnish him with all the information requisite in order to enable him to correct and maintain the records, according to the rules prescribed by the Board in that behalf, failing which the lease should be declared liable to cancelment. The lessee may be allowed to utilise the services of the patwari thus appointed in keeping accounts between himself and his ryots, and in performing the other customary duties of patwaris.

"(c) For temporarily-settled estates the property of private individuals, no fixed rule can be laid down. If the estate is to be farmed or held khas in consequence of the refusal of the proprietors to accept the settlement, the case may be dealt with under the rules applicable to Government estates. If the estate is to be settled with the proprietors, the collector, before sanctioning the settlement, or when reporting it for sanction, should report fully the arrangements proposed to be made for the maintenance of the record.

"Patwaris may be appointed under the preceding rule for one village each or for a circle of villages. They should, if possible, be local men, residents of their circles. The net profits of lands assigned to them, where provision is made in land, should be equal to about five rupees per month.

"Patwaris before their appointment should qualify themselves in surveying, for learning which, free of cost, opportunities will be furnished them on application to the Director of Land Records.

"A separate

“ A separate patwari should be appointed, and provision should be made for his support in the manner indicated in the preceding rules in every estate or group of neighbouring estates having a rental of Rs. 2,000 or upwards.

“ Where, as in parts of Behar, the patwari is paid by contributions from the ryots, the practice may be allowed to continue ; but in such cases a deduction of half an anna in the rupee, or $3\frac{1}{8}$ per cent., should be made from the allowances specified in Section VII, rule 6 *post*, which are granted to the settlement-holder on account of management charges.”

The provision thus made for introducing the patwari system will, in the course of a few years, extend to the greater part of the Orissa Division and the Chittagong district, and also to extensive areas elsewhere.

11. In regard to the permanently-settled districts, the Lieutenant-Governor considers that when surveys are undertaken the settlement officers should always assemble the patwaris, or other village officials, for instruction, utilising their services on the work and ascertaining their rights, duties, and capabilities; and that the decision of the question whether the system of village record can be improved, and if so by what means, should be deferred until the survey itself has made sufficient progress to disclose the relevant facts. It is understood that the Government of India cannot assign money for the purpose, and at present no contribution from provincial funds is possible ; while the Despatch of the Secretary of State, No. 21, dated 15th July, 1886, precludes recurrence to the proposal to impose a compulsory rate. The problem to be considered, therefore, is how to utilise existing machinery so as to produce results as beneficial as can be expected, without incurring extra expense, giving at the same time as little scope as possible for the abuses which seem inseparable from a system of this kind when costly supervision is dispensed with. It is by no means probable that any uniform plan can be adopted for the whole of Behar while Government is not prepared to give pecuniary assistance ; the institution in parts of that province seems almost as extinct as in the neighbouring districts of Bengal, while in other parts, for instance, in Shahabad, it is full of vitality. As the survey proceeds, fresh information will be acquired on these points, and Government will be placed in a better position for forming a final judgment. Sir Steuart Bayley cannot, however, hold out any hope that the permanent maintenance of the survey record will be secured in the majority of the villages measured unless the financial limits at present imposed are relaxed.

12. In conclusion, I am to summarise as follows the conclusions at which the Lieutenant-Governor has arrived upon this important subject :—

- (1) It is desirable to make a survey and record of rights of the Patna Division, with the exception of certain areas, in order to ascertain rents, and to prevent abuses.
- (2) Owing to the distress at present prevalent in that division, and considering the state of the finances, this survey should not be undertaken during the season of 1889-90, nor even, so far as can at present be foreseen, in the ensuing season. It must be postponed until the effects of the failure of the last harvest have disappeared.
- (3) The question whether a village organisation can be established with advantage to preserve the results of the work, and, if so, by what means, can be best considered after the local conditions have been ascertained by the survey itself. It need not be decided now, as a necessary preliminary to the survey, which is desirable for its own sake, whether such an organisation can be instituted or not.

I have, &c.,
(signed) C. E. Buckland.

Enclosure 2, in No. 3.

From *H. W. C. Carnduff*, Esq., Under-Secretary to the Government of Bengal, Revenue Department, to the Secretary to the Board of Revenue, Land Revenue Department.

No. 2347, 1031LR, dated Calcutta, 20 July 1888.

WITH reference to your letter No. 741A, dated 27th October 1887, I am directed to forward, for the information of the Board, a copy of the correspondence noted on the margin, regarding the experimental survey and record of rights undertaken in the southern portion of the Mozufferpore district, and to request that copies thereof may be communicated to all Commissioners of divisions and the Director of the Department of Land Records and Agriculture, Bengal.

Letter to the Secretary to the Government of India, Revenue and Agricultural Department, No. 283—116LR, dated 25th January 1888.

Letter from Secretary to the Government of India, Revenue and Agricultural Department, No. 433R—39-2, dated 16th June 1888.

2. I am at the same time to observe that the Lieutenant-Governor hopes that he may hereafter find it in his power to submit definite proposals for the survey under Section 101 of the Bengal Tenancy Act of that part of Behar, including Monghyr and Bhagulpore, where uncertainty as to existing rents prevails. But before this can be done it is necessary in the first place to arrive at a decision upon the question of preserving the record of such a survey, and in the second place to acquire experience in surveying Government and other estates upon the subject of the possibility of reducing the cost of such operations—matters which are now under consideration. I am to request the Board to desire the Director of the Department of Land Records and Agriculture to forward through them, after the coming field season, recommendations for reducing the cost of survey, founded on the experience which he may by that time be expected to have acquired. The Commissioners of Patna and Bhagulpore should also be asked to state what portions of their division come under the description of tracts in which uncertainty prevails as to existing rents.

Enclosure 3, in No. 3.

From *C. E. Buckland*, Esq., Officiating Secretary to the Board of Revenue, Lower Provinces, to the Secretary to the Government of Bengal, Revenue Department, 6 May 1889.

No. 389A.

Sir,

I AM directed by the Board of Revenue to submit a further report on the questions connected with survey and settlement operations dealt with in the Government order No. 2347—1031LR, dated 20th July 1888, and referred to in Mr. Carnduff's endorsement No. 3228—1344LR, dated 22nd September 1888. The subject of the reduction of the cost of these operations has been considered in my letter No. 225A, dated 12th March 1889, so far as the Director of Land Records had reported upon it, somewhat prematurely: the supplementary report which he has been called upon to submit will be laid before Government in due course. Meanwhile it remains to reply to that portion of the Government order above mentioned, in which the Board were directed to ask the Commissioners of Patna and Bhagulpore to state what portions of their Divisions come under the description of tracts in which uncertainty prevails as to existing rents.

2. The reports received from the Commissioners of Bhagulpore* and Patna,† noted in the margin, are herewith submitted *in extenso* for the information of Government. The former states that it has been ascertained that there are no tracts in the districts of Purneah, Maldah, or Monghyr, in which there can be said to be any uncertainty as to rates of rent, or in which it would be advisable to undertake survey.

* No. 2381 R, dated 8th December 1888.

† No. 27Ct., dated 17th December 1888.

‡ No. 223V, dated 21st March 1889.

survey operations under the Tenancy Act. This statement does not appear to the Board to be altogether consistent with the enclosures of Mr. Finucane's report No. 453TA, dated 27th April 1888, a copy of which was submitted to Government with the Board's letter, No. 493A, dated 10th May 1888. In respect of the Bhagulpore district, the Collector is able to indicate only two estates in his district where uncertainty as to existing rents prevails, and the Commissioner doubts whether either of these is a case in point. In the first, that of pergunnah Harawat in the north of the Soopole Sub-division, adjoining the Banaili-Srinagar lands, the dispute is not so much as to the rates of rent, but as to the area for which rent is payable; in the second, in certain villages which are the sole property of the Banaili Raja, and have consequently not been included in the settlement operations of the joint Srinagar-Banaili properties now in progress, the dispute is said to be of a similar character. It appears to the Board that the result is practically the same, viz., the possibility of serious and protracted litigation between landlord and tenant, whether uncertainty arises from indeterminateness in the rate of rent, or doubt in respect of the size of a raiyat's holding. But the facts, such as they are, disclosed in the papers before the Board and now submitted, do not suggest the existence of any pressing necessity for survey and settlement operations on the ground of uncertainty as to present rents.

3. If the Commissioner of Bhagulpore and his officers appear disposed to minimise the demand for such operations, the line taken by the Commissioner of Patna and some of his District Officers on this question is altogether in the opposite direction. Mr. Boxwell would commence operations in particular places, and then continue the survey as part of a system meant to be co-extensive with the province. By this expression he presumably means the Patna Division. His final conclusions are stated in the following words:—

(a.) The evidence produced from many different places proves that all over the Division there is a general uncertainty differing in intensity.

(b.) Both the complaints of landlords and the attitude of the raiyats prove that the raiyats are beginning to appreciate their widespread right of occupancy.

(c.) Transactions between zemindars, indigo-planters, and raiyats, prove that there is uncertainty with respect to tenure.

(d.) And that individual raiyats are not strong enough to deal commercially with either of the other two parties.

(e.) The effect of the Tenancy Act in diminishing uncertainty about both rent and tenure is already felt.

(f.) The effect of the Mozufferpore survey and record is universally acknowledged.

(g.) Therefore it only remains for the Government to choose the scale on which it will work.

4. These conclusions point to nothing less than a survey and record of rights throughout the whole Patna Division. Very little effort has been made to define the portions of the Division, as was desired in the Government order under reply, in which uncertainty prevails as to existing rents. Perhaps, as Mr. Boxwell is in favour of undertaking operations on so extensive a scale, he has considered it superfluous to particularise the tracts where they are most required, though he has stated that they are ascertainable. The omission is to be regretted. Mere passing allusions to the Bhojpur, Bihia and Arrah pergunnahs in Shahabad, and certain estates in the district of Durbhunga, are not sufficient. Mr. Beadon proposes operations in a large portion of the Durbhunga District, which would include villages belonging to the zemindars, Rai Gunga Pershad and Babu Nundan Lal (whose relations with their tenants appear to be anything but satisfactory), and villages of the Durbhunga Raj and the Nurhan estate: as an alternative he urges, first, a complete survey of the Nurhan estate and of Babu Nundun Lal's estates, and some of Rai Gunga Pershad's villages, with the neighbouring village of Jogeara, a small Government estate. The Board have already had the question of the survey and settlement of the Nurhan minor's estate under their consideration, in connection

with the correspondence terminating with Government order No. 2453—1070LR, dated 28th July 1888, and they are fully prepared to report on it, if necessary, when they are in a position to submit their observations on the revision of the programme of survey and settlement operations for 1889-90. Meanwhile they may say that the Commissioner has suggested that, as the minor comes of age in 1892, the survey should not be commenced unless it can be completed in 1889-90, and Mr. Reynolds recorded his concurrence with this view, as it would be unsatisfactory to make over the estate with these proceedings pending. With regard to Chumparun, Mr. Henry has named certain areas in that district in which the work should, in his opinion, be first undertaken. But it is not stated whether the Commissioner endorses his views in respect of the areas specified. Besides the mention of certain pergunnahs in the Shahabad district, already referred to, no other areas have been specifically enumerated as requiring to be brought under survey and settlement operations more urgently than the rest of the Division.

The various questions of *abwabs*, *kurtowli* leases, *bhaoli* tenure, and *sharanamas*, discussed by the Commissioner of Patna, will not escape the notice of Government. But the Board think it right to invite special attention to both Mr. Henry's and Mr. Boxwell's observations on the probable effect which the contemplated survey and settlement operations will have on the cultivation of indigo, and the relations between the factories, as *thikadars*, and their *rai-yats*. It appears to the Board to be a matter for grave consideration whether Government should interfere, where such important interests are concerned, to set aside, by an enforced survey and record of rights, traditional relations and long-prevailing custom; they are not disposed to enter on an elaborate discussion of the indigo question, but they would beg to point out that the consequences of measures which must be unpopular with one party or the other, appear to have been overlooked by the Commissioner, or to have received inadequate recognition at his hands.

6. The board are inclined therefore to advocate great caution in the adoption of any such extensive measure as that put forward by Mr. Boxwell. They fully bear in mind the opinion expressed by his Honour the Lieutenant-Governor, and entirely concurred in by his Excellency the Governor-General in Council, that the experimental survey in Mozufferpore has been a success, and it is a fair inference that operations similarly conducted, under similar circumstances, would prove equally successful. But, on the other hand, it is to be remembered that (apart from any question of the means of maintaining the records of surveys, &c., and the utility or otherwise of making surveys and preparing records of rights without such means) it has been decided that in future the cost of these operations must be paid by the *zemindars* and *rai-yats* concerned, and though the cost, at even eight annas an acre, may be considered from an official point of view by no means excessive for the benefits conferred, it is not free from doubt whether the *zemindars* and *rai-yats* will accept without demur a survey forced upon them upon such terms. The board's present attitude with regard to the large surveys now in progress in Government and Wards' estates, is that enough is being done by way of experiment, and that it is better not to increase the programme of work indefinitely until we are in a position to arrive at a conclusion regarding the best and most economical methods to be followed. In my No. 224A, dated 12th March 1889, I was directed by Mr. Reynolds to say that the board considered the existing programme as amply sufficient for one season, and that they did not desire to recommend any extension of it. Steady progress is more likely to be attained by limiting the programme, and having it carefully carried out, than by undertaking an unwieldy amount of work, before our experience in these large operations is really matured. There is always the danger that these surveys will lead to litigation, though their object may be the composition of quarrels between landlord and tenants. There has been litigation in the Srinagar-Banaili estates, which has been fortunately terminated by a compromise: the Dubulhati survey will require skilful handling to bring the parties to a compromise and keep them from the courts; in Nalchira, as Mr. Reynolds has left on record, it is 28 months since the Settlement Officer began work (which was completed in February 1888),

and

and the howladars are still contesting his rates of rent in appeal before the High Court.

7. The board, indeed, have felt some doubt whether they should submit Mr. Boxwell's report to Government in its present shape without calling upon him to indicate more particularly, as he was desired to do, the tracts in his division in which uncertainty prevails as to existing rents. But so long a time has elapsed since the orders of Government were received and communicated to the Commissioner, that the board have felt averse to giving cause for any further delay in the matter. They think, however, that, if His Honour the Lieutenant-Governor concurs in their view that the time has not yet arrived for so serious an undertaking as a survey and record of rights throughout the whole of the Patna Division, the Commissioner may properly be required to submit a further report upon the subject with special advertence to the terms of the reference originally made to him.

I am, &c.

Officiating Secretary to the Board of Revenue, Lower Provinces. (signed) *C. E. Buckland.*

Enclosure 4, in No. 3.

From *John Beames*, Esq., Commissioner of the Bhagulpore Division and Sonthal Pergunnahs, to the Secretary to the Board of Revenue, Lower Provinces.

No. 2381R, dated Bhagulpore, 8 December 1888.

IN reply to your No. 817A, dated the 31st July, 1888, I have the honour to state that it has been ascertained by careful enquiry that there are no tracts in the districts of Purneah, Maldah or Monghyr, in which there can be said to be any uncertainty as to rates of rent, or in which it would be advisable to undertake survey operations under the Tenancy Act.

2. The Collector of Bhagulpore has not yet submitted any report, and states that he is waiting for information which he has called for. I do not think it necessary to delay my report on his account, as it is probable, if not certain, that the state of things prevailing in the adjacent districts prevails in Bhagulpore also.

Enclosure 5, in Enclosure 3.

From *John Beames*, Esq., Commissioner of the Bhagulpore Division and Sonthal Pergunnahs, to the Secretary to the Board of Revenue, Lower Provinces.

No. 27Ct., dated Camp Purneah, 17 December 1888.

IN continuation of my No. 2381R of the 8th instant, I have the honour to state that, as the result of his enquiries, the Collector of Bhagulpore is able to point to only two estates in his district where uncertainty as to existing rents prevails, and I am not by any means sure that either of them are cases in point. The large Banaili and Srinagar estates in this district, which are now under survey and settlement, seem to be the only ones to which the provisions of the Tenancy Act could strictly apply.

2. The first case mentioned by the Collector is that of pergunnah Harawat, in the north of Soopole subdivision, adjoining the Banaili-Srinagar lands. In this case disputes have arisen not so much as to the rates of rent, but as to the area for which rent is payable. It is in this way, the ryots have been gradually bringing under cultivation more land than that for which they were paying, and the zemindar has abstained from measuring the holdings and assessing a rate per bigha on the total area. In lieu of measurement the ryots have consented to pay a little extra rent. But the original area of each ryot has stood in the

zemindars' books, and in the new receipt forms he has been attempting to show the enhanced rent as the rent of the old area. This would of course be tantamount to an increased rate per bigha. Suppose a ryot held 10 bighas at a rent of 30 rupees, this would be at the rate of 3 rupees a bigha; but he has encroached till he actually cultivates some 14 to 15 bighas. Rather than go to the trouble of actual measurement, both parties consent to a compromise, by which the ryot agrees to pay, say, a lump rent of 40 rupees, which would represent roughly a rate of from 2-10 rupees to 2-15 rupees a bigha. But in his receipt the zemindar enters the rent of 40 rupees as paid for the original 10 bighas only, which would raise the rent per bigha to 4 rupees, and the ryot naturally objects to this. But this seems to me to be a mere fraud on the part of the zemindar. The Collector has urged the zemindar to apply for a survey, but he is in hopes of arriving at a settlement with his ryots. The Collector thinks, and so do I, that sooner or later, Section 101 will have to be applied, but it is not a case of uncertainty as to *rates* of rent. In fact, this sort of undetected and half-winked-at encroachment on uncultivated lands is common in most parts of the Purneah district, of which pergunnah Harawat once formed part. It has been going on for years: in fact, I remember many cases of this kind, more than 25 years ago, when I was Collector of Purneah.

3. The other case is in the south of the district, in the villages which are the sole property of the Banaili Raja, and which have consequently not come under Mr. Collin's operations. This also appears to be more a case of dispute as to area than as to rates; and as the Raja has been put to heavy expense on Mr. Collin's settlement, he is not likely at present to wish to extend operations to the estates of which he is sole proprietor.

4. The Collector mentions also the case of four villages in tuppeh Manjouni of the Lachmipur estate. But this is a totally different matter, and reminds me of theungalboori and Aima tenures in Midnapur. Under the system prevailing in the Lachmipur jungle tracts, which is called "Chucklabundi," a number of ryots jointly take a lease of a block of land at a lump jumma, and make what they can out of it. Of course allowance is made for their having to cut jungle and bring waste under cultivation, and as the land has never been measured, no question of a rate of rent per bigha can arise. I do not see how Section 101 could be applied to such a case as this.

Enclosure 6, in No. 3.

From *John Boxwell, Esq.*, Officiating Commissioner of the Patna Division,
to the Secretary to the Board of Revenue, Lower Provinces.

No. 223V, dated Bankipore, 21 March 1889.

I HAVE the honour to submit the report on the necessity for survey and record of rights in the districts of this Division, called for in your No. 817A. dated 31st July last.

2. I have reports from all the districts, and Mr. Henry, late Collector of Chumparun, is on deputation with me. I begin by reporting the Collectors' opinions.

3. Mr. Power, the present Collector of Chumparun, who has been there a very short time, says that "except in isolated villages there is no part of this district where uncertainty regarding existing rents prevails to such a degree as to warrant action under Chapter X. of the Bengal Tenancy Act. Mr. D'Oily makes a similar report about Mozufferpore; and Mr. Grierson says that the prevalence of the *bhaoli* system in Gaya very much reduces uncertainty as to rent. Mr. Quinn, of Patna, Mr. Power, writing from and of Shahabad, Mr. Bourdillon, of Sarun, and last, but by no means least, Mr. Beadon, of Durbhunga, express opinions decided or very strong, that in these districts uncertainty about rent and tenant's right does prevail to an extent that calls loudly for survey and record of rights. Mr. Beadon's report only came on 23rd February 1889, but it is one of the fullest and clearest. I think there are reasons for believing that Mr. Power's opinion about Chumparun is comparative rather than positive; the reasons existing in Chumparun are not identical

identical with, and perhaps not so strong as those found in Shahabad. But Mr. Henry, who knows Chumparun thoroughly, is convinced of the uncertainty of tenure, and to some extent as to rent and of the necessity for the survey. Mr. D'Oyly's opinion I do not understand and cannot account for; nor for his sub-divisional officer's sudden change. Mr. Grierson's remarks about *bhaoli* belong to another division of argument.

4. I have no doubt at all that uncertainty about rent and tenure prevails generally over the whole Division; not of course equally in all places, and perhaps to an excessive degree in some ascertainable smaller tracts; but uncertainty is the rule, and is a disease for which survey and record is the best-known remedy.

5. I send up Mr. Beadon's report complete. It gives details of certain estates, and makes definite proposals. It describes a state of affairs which I believe exists in greater or less intensity all over the Division.

6. Both Patna and Sarun draw attention to the processes and effects of butwarra. Where the maliks are not in accord, contradictory jamabandis and raibandis are filed; and though it may be urged that such raibandis are mere expressions of the effort made by the landlords to get their own favourite bits of lands lightly assessed, still, if the real rent were fixed and well known, such contradictory papers could not be filed so freely as now. Then the effect of butwarra is in many cases to cut a raiyot's jote into two or three pieces, and make his rent to each landlord uncertain.

7. From Arrah Mr. Power writes:—"Uncertainty as to existing rents prevails more or less over the whole district, but more especially in the Bhojpur, Bihia, and Arrah parganas, where the proportion of rent payable in kind is less than elsewhere." Mr. Power thus supports Mr. Grierson's contention that *bhaoli* tends to make rent certain. They are unquestionably right in their own sense. Mr. Power observes that the vexed question of *abwabs* is increasing the uncertainty about rent. This is true; but I am afraid no survey or record of any kind can bring in certainty where the High Court has left uncertainty.

8. That this uncertainty is great no one can deny. The High Court has in the first case held that although liability relating to the payment of *abwabs* flows from the incidents of the contract under which the lands were let, such incidents, though not expressly mentioned in the contract, being still deducible from the usage or custom established by the evidence; nevertheless the contract cannot be enforced, nor the disputed items recovered, "because every contract made for or about any matter or thing which is prohibited and made unlawful by statute is a void contract." Nothing can be more certain than half an anna per bigha, half an anna per rupee, and three pice per rupee of the first case; so that neither certainty nor contract makes a thing called *abwab* recoverable. In the second case things called *abwabs* are recoverable because they are not arbitrary and uncertain, and are contracted for. We therefore are exactly where we were before either ruling was published. But this uncertainty is incurable by survey.

Chultan Mahton *versus* Telukdhari Singh, II.L.R., 11 Calc., 175.
Padamanand Singh *versus* Baij Nath Singh, XV., I.L.R., Calc. 828.

9. In paragraph 6 of Mr. Nolan's letter an objection to surveys arising from the custom of *kurtowli* leases is suggested, but not met. It is even called "stronger" than the preceding objection raised by the Board.

10. But the answer seems not very difficult. Raiyots execute *kurtowli* leases for exactly the same reason that they agree to any other disadvantageous bargain; that they do not feel themselves strong enough to do without them. In so far as the object is to borrow money easily the case is adequately dealt with in the end of Mr. Nolan's 6th paragraph. But when the object is to "resist the proprietor," this means that the raiyots are not strong enough in their rights to do without the help of the factory. If they were, they would not find it necessary to execute the *kurtowli* leases. Though the survey would do little or nothing for a raiyot who had already given away his jote under a *kurtauli* lease, it would do quite as much for those who were feeling the coming necessity

necessity of executing such leases, as for any other raiyots whose position wanted strengthening.

11. In *bhouli* tenures raiyots pay either half or nine-sixteenths of the crop. There is sometimes a dispute on this question. There are also disputes about *abwabs*; that is to say, about what dues are to be subtracted from the heap on the threshing floor, before the division is made, and some Munsiffs have gone to such lengths as to decide that though *abwabs* may be illegal, still perquisites of raiyots called by the landlords counterparts *abwabs* are now rescinded. That is to say, unless the landlord gets his *abwabs* out of the heap of grain, the raiyot will lose the straw which has always been his. But as in the former case, these uncertainties are out of the reach of any survey or record of rights. They can be settled nowhere but in a Civil Court.

12. I append a note written for me by Mr. Henry about Chumparun. It strengthens the case for survey more than any of the Collector's reports for these reasons. It is clear that in Chumparun rents are neither unusually high nor unusually uncertain. They are, on the contrary, unusually low, and have not been much enhanced lately. If, then, the case in Chumparun is clear, *à fortiori* in other districts survey is absolutely necessary. The Chumparun case may be divided into the indigo case and the zemindari case. If a great zemindar demands a high rent, and if the raiyots with one consent refuse to pay more than a low jungleburi rent, a typical case for survey is already established.

13. The indigo case is still stronger. The planter is thikadar. He wants to do indigo. The raiyots decline. The planter threatens to measure the lands with the probable result of increasing the rent, and of a dispute about the length of the pole. It is not easy to say where the planter steps beyond his rights. But survey would put an end to the game by discovering and recording evidence and deciding cheaply and easily disputes which would otherwise either be protracted to the disadvantage of the poorer litigants or hang in the air as a threat. A planter may easily be carried by his *amla* beyond the limits he would fix for himself. In fact, to secure fair action the *amla* would have to realise two things; first, that the planter would punish any violation of the raiyots' rights as an injury to himself; and second, that the planter would discover any wrong action. The chances against this double or treble event are extremely great. The usual danger follows. The small compact minority at first wins everywhere against the multifarious units, till these units learn to combine, and then, after a very short period of redress of wrong, turn the tables and become powerful enemies of society. Survey and record of rights is another of those safeguards which all parties as well as the State should not only welcome but go to seek. We must never lose sight of the important fact set forth in paragraph 5 of Mr. Nolan's report:—"Before the passing of the Tenancy Act, the great majority of the cultivators were, so far as concerns *legal rights which could be proved in Court*, merely tenants-at-will;" and again:—"The distinctions between raiyots who have no right of occupancy and those who have such a right but cannot prove it, has, for the practical purpose of litigation, little significance." Our great object is to make the single raiyot a match for any opponent in the matter of asserting his rights. This is now half done by the Tenancy Act. The other half will be done by survey. The threat of measurement and enhancement will lose all its terrors, and the raiyots will find they can stand without converting themselves into a mob with mischievous "way on."

14. In connection with Durbhanga and Mr. Beadon's report, we must call to mind the *sharahnamas*. They were a voluminous proof of the uncertainty of rent. They were a declaration by unwilling raiyots that the rent was something larger than the raiyots had been paying up to date. A contest which I had myself with the proprietor of the Bachour pergunna, now the Honourable Rajah Rameshwar Singh, proves that in the years 1881 to 1883 both rent and tenure in Bachour were extremely uncertain. The Tenancy Act has cured the great evil I found then. But for the provisions of that Act the tendency of what was called the Bachour settlement was to turn every raiyot into a mere tenant-

tenant-at-will. The crime reports from Durbhanga, frequent and serious, prove that the causes of agrarian disturbance require to be eradicated.

15. I have already noticed the opinion expressed by Mr. D'Oyly, from which I completely dissent. Mr. Collin's report has established the fact that in the area of the Mozufferpore district surveyed by him, the greatest uncertainty exists as to tenants' rights generally, and that the work of survey and preparation of a record of rights can be carried out without friction and at moderate cost. The area where his operations were carried out was not selected on account of disputes connected with tenant right being specially rife there. It was a fairly representative area, and the facts elicited concerning uncertainty of tenure and of rates of rent may safely be accepted as true for the remaining portion of the district.

16. In Shahabad the increase in rent, according to the revaluation now being completed, is 37 per cent., a good deal more than double the increase in Chumparun, where the case has been made so clear. The Deputy Collector in charge does not attribute any very large portion of the increase to improvement in work, certainly not more than a third, and the increase is on a much larger rent. Therefore the rent itself must have been to a great extent uncertain.

17. In Gaya and Shahabad, especially Gaya, the question is complicated with another—the conversion of *bhaoli* into *nagdi*. Where *bhaoli* is the rule, undoubtedly survey and record of rights is less required; and as there is plenty of ground in the division where all the reasons which make survey necessary are combined, and as the case of Tikari in Gaya is being dealt with in a special report, I may now confine my attention to these other places.

18. I find the eastern half of the Durbhanga district, including the estates of Rai Gunga Pershad and Baboo Nundun Lal and the little Government estate of Jogeara, where the Collector says special reasons exist; and Nurhan and Durbhanga Raj properly where these reasons are not found to the same extent. I entirely agree with Mr. Beadon that we should not pick out particular estates for separate action; rather that being led by particular reasons to begin operations in a particular place, we should then continue the survey as part of a system meant to be co-extensive with the province.

19.—(a) The evidence produced from many different places proves that all over the Division there is a general uncertainty differing in intensity.

(b) Both the complaints of landlords and the attitude of the raiyots prove that the raiyots are beginning to appreciate their widespread right of occupancy.

(c) Transactions between zemindars, indigo-planters, and raiyots prove that there is uncertainty with respect to tenure.

(d) And that individual raiyots are not strong enough to deal commercially with either of the other two parties.

(e) The effect of the Tenancy Act in diminishing uncertainty about both rent and tenure is already felt.

(f) The effect of the Mozufferpore survey and record is universally acknowledged.

(g) Therefore it only remains for the Government to choose the scale on which it will work.

Enclosure 7, in No. 3.

From H. S. Beadon, Esq., Collector of Durbhanga, to the Commissioner of the Patna Division, No. 1438, dated Durbhunga, the 20th February 1889.

In reply to your Memorandum, No. 154, dated the 21st August 1888, I have the honour to reply that there is considerable uncertainty as to existing rents in several large estates in this district.

2. It is very difficult to carry out inquiries on this subject without disturbing relations between landlord and tenant, which it is most desirable to avoid until Government is thoroughly determined to deal with the questions. But I have much upon which I can rest my opinion that there are many estates in this district in which Government may properly interfere, if the propriety of a judicial determination of rents or of effecting the survey and record of rights is held to depend on the grounds of dispute or confusion.

3. The principal of these are the estates newly acquired by certain bankers, Rai Gunga Pershad Bahadur and Baboo Nundun Lal, also in the Nurhan estate, the Paigumbarpore estates (chiefly the Bhagulpore villages), some villages in Durbhanga Raj, and in the property of Rajah Rameshwar Singh of Bachour, much uncertainty of area and rate of rent exists.

4. In attending to Raj Durbhanga, I speak of only a few isolated villages, and I do not wish it to be thought that I am bringing any charges of present mismanagement against the Raj. In Colonel Money's time some very injudicious alteration of the rates of assessment was allowed, and much of this harm has been undone. Besides, I am given to understand that some concessions were made in commemoration of Her Majesty's Jubilee and of the Knighthood that Government was pleased to confer upon the Maharajah. Still there are, I am informed, some villages in which disputes as to the rate of rent still exist, and these are to be found mostly in the Raika and Hyaghat circles.

5. Rajah Rameshwar Singh has of late years very greatly and severely enhanced his rents, but he managed to get kabuliyats out of his raiyots. There are various stories told as to how this was effected, but it would be useless to repeat them. Suffice it is to say that only two years ago raiyots deposited their rents in the Civil Courts in some 3,000 cases, and would have availed themselves of the provisions of the law to a far greater extent if the Judge of Tirhoot had not issued some orders to the Munsiff of Madhubani, which were afterwards pronounced *ultra vires* by the High Court. I believe a record of rights and judicial determination of rates in this estate would be invaluable. Bachour has already been most carefully surveyed, but I am not aware that the raiyots have any copies of the plans of their holdings.

6. The Sub-Divisional Officer of Madhubani, who has but lately joined,

NAME OF ZEMINDAR.	CRIMINAL COURT.	CIVIL COURT.	
	Number of Complaints connected with Land Disputes.	Rent-suits.	Application.
1. Maharajah of Durbhanga	6	74	78
2. Rajah Rameshwar Singh	4	—	196
3. Madhubani Baboos	4	—	109
4. Papri Factory	3	52	—
5. Pandawli	—	60	—
6. Tirbanilal	—	25	—

reports the marginal details for which I called, showing the criminal complaints connected with land disputes and the number of rent-suits and of applications to deposit on account of illegal ejectment, &c., in the Civil Court in 1888. This statement deals with the six largest proprietors in the sub-division. The figures, while not disclosing any great dissatisfaction except on the estates of Rajah Rameshwar Singh and the Madhubani Baboos, show, I think, that a record of rights in those estates is necessary.

7. It is but two years since similar criminal disturbances arose in the Padri pargana, another of the Raj-Babuana pargana, in possession of Baboo Guneshwar Singh. Since then there have been no criminal cases and no rent-suits to speak of, but I am disposed to think that the raiyots are not fully satisfied with the results of those cases. However, I should not press for the judicial determination of rents in this pargana, if no general survey and record of rights and judicial determination are determined upon for the whole district.

8. By far the worst offender is Rai Gunga Pershad Bahadoor, who has been implicated in several criminal cases during the past year, and some of whose men now stand charged as *latials* with riot and murder brought about in trying to coerce a Jeyt raiyot of village *Jehwara* to come to terms. In the course of 1888 his servants were implicated in 10 criminal cases, and there have been 84 applications for deposit by his raiyots besides miscellaneous cases. This gentleman's property extended through some 115 villages, which are not all conterminous, having been brought in many cases at Civil Court sales or sale for

for arrears of revenue. I strongly recommend a survey and record of rights on this property.

9. Similarly, the banker, Baboo Nundun Lal of Mozufferpore, who bears the worst of characters for unscrupulousness, and who lately sued in the Civil Court of Tirhoot on a bond which has been judiciously pronounced to be forged, is in constant turmoil with his neighbours and raiyots in this district. His property is chiefly in the Tajpur sub-division, and I would urge that if the survey of Nurhan be undertaken, as I have strongly recommended on two or three occasions, and lastly in my letter No. 729, dated 19th December 1888, giving cover to the Officiating Manager's recommendations to the same effect, the estates of Nundun Lal, whether borne in his own name or those of his servants, relatives and dependants, be surveyed at the same time.

10. Mr. Harrison, the late Sub-divisional Officer of Tajpur, gives the names of several other proprietors, such as Shaik Amadullah of Rohimabad, Gunput Singh, and others of Dhobgawan and Mohamed Yasin of Nargarbasti. Mr. Harrison writes:—"In spite of legislation the tendency of rent in Tajpur is to rise. Some of the parganas are unusually fertile; many of the landlords are unusually rapacious. Government by interfering in a few cases will be able to check any sudden raising of rates, and the moral effect will far exceed any direct result. Raiyots combine very easily when they see a prospect of success, and will stop all payment of high rates when there is a chance of their being supported. The difficulty to be apprehended will be the other extreme—a combination to pay no rent at all."

On the whole Mr. Harrison recommends dealing with Baboo Nundun Lal's estates first.

11. No doubt in so far as disputes between the landlord and tenant go, the estates of Rai Gunga Pershad and Baboo Nundun Lal might appropriately take precedence as regards compulsory survey, but I think a judicial determination of rents and where no such operation has taken effect, a survey and record of rights are so intrinsically valuable that I would not make their execution depend upon uncertainty and disagreement only. I think work will be carried out better and more economically if executed in compact blocks. If the Government is not able to take up the whole district of Durbhanga, I would recommend that it should do the whole that lies to the west of the meridian of Nurhan during up survey of any villages, part of which lies to the east of that line. This would include many of the villages of Rai Gunga Pershad and Baboo Nundun Lal, but it would also include Raj villages and Nurhan villages, and many estates where no pronounced uncertainty exists. But the survey and record of rights should not be a work held over the heads of rapacious or unfortunate landlords as a punishment for not settling amicably with their raiyots. It should be introduced and carried out systematically as a work of the highest benefit to all interested in land, and as placing all cases upon land upon a secure and fair basis.

12. If, however, Government cannot see its way to any general survey of this description, then I would urge first a complete survey of the Nurhan estate and add the survey of Baboo Nundun Lal's estates, which are in the neighbourhood, and of such villages as Government may be obliged to take up on the application of the majority of the raiyots in the property belonging to Rai Gunga Pershad Bahadoor.

13. There is also the isolated trust village of Jogeara managed by Government in behalf of the endowment to the Mozufferpore school. Much confusion and dispute could be avoided and saving in the cost of attention could be effected if this village were properly surveyed. The annual rental is about 4,000 rupees; and it lies in close proximity to some of Rai Gunga Pershad Bahadoor's villages.

Enclosure 8, in No. 3.

NOTE upon the Proposal to have a Survey and Record of Rights made in Chumparun by Mr. *Henry*.

1. CHUMPARUN the average incidence of rent upon the cultivated land of the district was in 1886 estimated by me not to exceed 2 rupees and 2 annas the acre, inclusive of all cesses. This estimate appears to be confirmed by the Road Cess revaluation figures. The average rate of rent in Chumparun is less than one-half the average rent which obtains in Sarun. Having regard to the quality and productiveness of the land, rents in Chumparun may be said to be low.

The late revaluation figures show an increase of about 15 per cent. in the rental of the district as compared with the figures obtained in 1875.

As much of this increase may be attributed to more accurate compilation and to the increase of land under cultivation, it cannot be said that there has been any undue enhancement of rents in the district during the last 12 years. So far, therefore, as uncertainty of rents is concerned, no very strong case can be made out as necessitating the survey of the whole district with a view to the preparation of a record of rights.

2. But although over the whole district rents are low and enhancements are not excessive, there are many villages in which the zemindar and raiyots are at variance, and where the greatest uncertainty exists as to the rate of rent. This is the case in Tuppeh Dahoo Sahoo, which has an area of 36,700 acres, and which consists of very productive land.

The Modhubani Baboo, who is the zemindar, claims more than double the amount of rent which the raiyots are willing to pay, and successive district officers have failed to bring about any agreement between the parties. The dispute which was in full force previous to the discussions which took place in connection with the passing of the Tenancy Act is no nearer settlement now than it was seven or eight years ago, and in the interests of the persons concerned, and of the peace of that part of the country, a general settlement of the rents of this tuppeh, and the preparation of a record of rights is essentially required.

3. Upon the question of uncertainty of tenure, the considerations which indicate that survey and settlement of this district is required, are of much more force.

4. In Chumparun a great proportion of the villages are farmed to thikadars, European and Native. The several indigo concerns have obtained *mokurari*, leases of villages, the aggregate rentals of which amount to about five lakhs of rupees. They hold besides terminable leases of a large number of other villages. The total rental of the district is about 30 lakhs of rupees; so it may be said that of the cultivated area of the district 15 per cent. is in permanent lease to factories, and they are besides lessees on terminable leases of a large number of other villages.

Many of the villages not held by factories are leased by Native farmers, who take the leases frequently under arhat, is practically an auction system, and whose income depends solely upon any increase they are able to collect on the head rent they pay to the proprietors. Their object is to obtain from the raiyots as large a rental as possible, and to effect this they are compelled to resort to devices which sufficiently show that tenant rights generally require further safeguards than those provided by the Tenancy Act.

5. When raiyots refuse to pay the increase which the farmer requires from them, the ordinary practice is for him to file an application in Court to have the village measured. The application is opposed by the raiyots, but unsuccessfully, and then comes the question of settling the length of the pole (concerning which in Chumparun the greatest uncertainty exists). The raiyots claim to have a pole of a certain number of cubits as their standard pole; the thikadar maintains that measurement must be made by a shorter pole. Considerable litigation results, and the raiyots, whose counsels are often divided, find the contest so expensive that in the end they yield and come to terms.

6. Another

6. Another means adopted to induce the raiyots to come to terms is for the thikadar to gradually bring under cultivation much of the common and pasture ground. The Tenancy Act contains provisions which should prevent encroachment in this direction; but when the case is fought in Court, the raiyots are not able to adduce the evidence required to support their case. This expedient was adopted within my own knowledge very successfully in the case of the Bybani village, which for the first time was given in lease to a factory four or five years ago. At the present time the factory must have some 400 acres in indigo, although when the lease was given the raiyots were unanimous in their opposition to the cultivation of indigo, and several petitions were filed before the magistrate. Had there been a survey and record of rights, the action taken by the factory could have been resisted in the Courts.

7. The leases taken by factories above referred to have been obtained to enable the factories to grow indigo, and this necessarily connotes uncertainty of tenures. Few raiyots are strong enough to refuse the surrender of the fixed proportion of their holdings required to be sown in indigo, nor does their difficulty cease here. For it has been found that land under indigo requires change, otherwise the crop will not yield a remunerative amount of produce.

When these exchanges are made, these particular portions of the raiyots' holdings are selected which seem most suitable. These are the lands in which the raiyots grow their most remunerative crops, such as poppy, mustard, wheat, &c., and which they are not willing to relinquish. The influence of the factory in its status as thikadar is so strong that the raiyots in the end must prove compliant.

8. Having regard to the capabilities of the soil, I am of opinion the rate of remuneration given for indigo cultivation is not inadequate. Considering the depreciation in exchange value of the rupee, and the low prices for manufacturing indigo of medium and bad qualities which have obtained of late years, it is doubtful whether factories could afford to pay more than they now pay for the plant.

This, however, is beside the question. What I wish to point out is that under existing conditions indigo is grown in many villages, principally because the factory is able to bring its influence as thikadar to bear. The thikadar should be nothing more than the rent receiver. He, has, however, much more extensive powers which would be greatly curtailed if the cultivators were in a position to establish their undoubted rights in the law courts. Until a survey and record of rights has been made, they will not be in this position.

9. I have referred to the such progressive increase in the rental of this district. This is mainly owing to the policy adopted by the factory lessees. Where the raiyots agree to grow indigo in what are now well understood terms, the factory make no attempt to raise rents, and in many instances continue to pay to the head landlord a larger jumma than they collect from the villages, their own profit being derived from the sale of the manufactured plant. This fact has to be borne in mind when estimating the advantages and disadvantages to raiyots from indigo cultivation.

10. It may be said that no safeguards which a survey and record of rights could afford would necessarily protect the raiyots. This appears to me to be an overstatement of the case. Raiyots now cannot resist successfully because they are afraid of being taken into the Civil Court, which requires from them evidence which it is not in their power to produce. Mr. Collin's report shows how eagerly the raiyots come forward to receive what they deemed authoritative evidence as to the area of their holdings and the rates of rent, and I have little doubt when the present leases of farmed villages in the area surveyed by Mr. Collin, fall in, that the landlords will find it difficult to obtain from thikadars even the full amount shown in the jummaundi, as the raiyots have been given the evidence they required, and will be prepared to combine and resist any encroachment over their rights.

11. There is every reason to believe that if a survey and record of rights were made for this district, the relations between landlords and tenants would be placed on a better footing. The large majority of the factories are anxious to deal fairly with their raiyots, and have expressed a wish that a survey should

be made of their *mokurari* villages, if the work can be done at a moderate cost, which they are prepared to bear. Many of such abuses as exist in connection with the cultivation of indigo can be traced to the *amlah* and subordinate field agency, whose actions it is difficult to control and keep in check even with efficient European supervision.

12 It is mainly with the object of enabling their managers to deal more directly with the *rai*yots that the proprietors of the several concerns desire to have the survey operation carried out, for the necessity of the intervention of the *putwari* and subordinate establishment would then be reduced to a minimum.

The benefit to the *rai*yots from the preparation of a record of rights is so obvious as not to require detailed exposition, and as a considerable proportion of the landlords consider that the advantages to be derived from a survey are more than commensurate with the cost entailed, it would seem that in Chumparun, so far as the situation can be gauged, the interests of both landlords and *rai*yots would be served by having a survey made, and record of rights prepared,

13. In my opinion the areas in which the work should be first undertaken in consideration of the conditions which make it more or less urgent, are :—

1st.—Tuppeh Dahoo Sahoo, which has an area of 36,700 acres.

2nd.—The Sudder Sub-division, including Tuppeh Dahoo Sahoo, which has an area of 1,500 square miles.

3rd.—Selected portions of the Bettiah Sub-division to be hereafter specified.

NOTE on the Proposed Survey of Behar.

THE points on which additional information is required are these : The spirit in which a general survey is likely to be met by the people, and the cost as compared with other liabilities.

I am unable to add anything of importance to what has been said. I did not consider the question of possible opposition for two reasons : the first is that Mr. Collin's survey was first met with fear and dislike, and was, in the end, properly appreciated as a piece of good and necessary work ; the next is that every reform, and especially a reform which costs money, must meet with opposition. This reform will, of course, meet with opposition, but I can add nothing to what is known and has been written. I quote two passages from Mr. Henry, not as new, but as corroborative :—

“ Many of the abuses which now exist can be traced to the *amlah* and subordinate agency, whose interference cannot be completely controlled and kept in check, even under efficient European supervision.”

“ It is mainly with the object of enabling their managers to deal more directly with the *rai*yots that the proprietors of the several concerns are anxious to have the survey operations carried out, for the necessity of the intervention of the *putwari* and the subordinate *amlah* would then be reduced to a minimum.”

Another passage is still more to the point : “ As a considerable proportion of the landlords consider that the advantages to be derived from a survey are more than commensurate with the cost which it would entail,” the interests of both parties are served.

Mr. Henry is the only officer who mentions the wishes or ideas of the parties concerned. The rest confine themselves, as I did, to a discussion of the subject, without reference to opinion.

The cost seems to me a trifle. The cess returns are far the best standard for any comparison of the kind. Taking the average of the whole Division, the survey would cost somewhat less than three years' cesses, and might be made payable without hardship in three years.

It is acknowledged that the survey, with its original record, is of itself quite worth the cost, without any mutation register or attempt to keep our records from

from year to year abreast of events. Moreover, with our present machinery, we could only do mischief if we made any such attempt. The survey and its original record should be the aim to be attained.

15 August 1889.

(signed) *J. Boxwell*,
Officiating Commissioner.

Enclosure 9, in No. 3.

From *C. E. Buckland*, Esq., Officiating Secretary to the Government of Bengal, Revenue Department, to the Secretary to the Government of India, No. 305 T.R., dated Darjeeling, 9 October 1889.

IN continuation of my letter, No. 3343—1123 L.R., dated 3rd September 1889, on the subject of the proposal to make a survey and record-of-rights in Behar, and with reference to your telegram of the 16th September and to my reply of this date, of which a copy is herewith enclosed, I am directed to submit, for the information of the Government of India, a copy of a letter, No. 225 A., dated 12th March 1889, and its enclosure, from the Board of Revenue, and an extract, paragraph 3, of a Memorandum, No. 151 T., dated 3rd June 1889, furnished to this Government by the Director of Land Records, which will explain how the rate of 6½ annas per acre, quoted in paragraph 5 of my letter of the 3rd September 1889, was arrived at. I am to add that it has been ascertained from the Director that there is nothing in the returns which he has received of the results of the settlement and survey operations in the last field season to justify any modification in the conclusions previously formed in his communications referred to above.

TELEGRAM, dated the 9th October 1889.

From Darjeeling to Simla.—From Bengal Revenue to India Revenue.

YOUR telegram of 16th September, about this Government's No. 3343—1123 L.R., dated 3rd September, about Behar Survey. Papers to explain how rate of 6½ annas per acre arrived at being submitted. Director of Land Records has recently reported that nothing in the returns of operations of last field season justifies any modification in the conclusions previously arrived at fixing that rate.

Enclosure 10, in No. 3.

From *C. E. Buckland*, Esq., Officiating Secretary to the Board of Revenue, Lower Provinces, to the Secretary to the Government of Bengal, Revenue Department, No. 225 A., dated Calcutta, 12 March 1889.

I AM directed by the Board of Revenue to acknowledge the receipt of the No. 2347—1031 L.R., dated 20th July 1888. Government Orders noted in the margin, on the subject of the reduction of cost of survey and settlement operations in Bengal.

2. In reply, I am to submit, for the information of Government, a copy of the accompanying letter No. 187 T.A., dated 9th February 1889, from the Director of Land Records on the subject, and to offer the following observations. The Board desire at once to lay before Government this expression of the Director's views, but it will not have escaped the notice of Government that in Mr. Carnduff's letter, No. 2347—1031 L.R., dated 20th July 1888, it was desired that recommendations for reducing the cost of survey operations should be submitted by the Director after the close of the present field season; the

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Board have therefore desired Mr. Finucane to favour them by the 15th May next with a supplementary report based on the actual experience and results of the season 1888-89. The conclusion arrived at in paragraph 6 of the Director's letter now submitted appears to the Board to be too much based on a conjectural estimate to afford a safe ground of calculation.

3. The Director of Land Records has indicated four ways in which the cost of surveys and records-of-rights per acre may be reduced. On the first and fourth the Board have already reported to Government in my letters No. 1099 A., dated 3rd December 1888, and No. 130 A., dated 9th February 1889, respectively. The Board entirely concur with the Director's second recommendation in favour of the employment of local agency. In his third recommendation, viz., that a staff of trained settlement officers should be employed permanently or for a period of years in settlement work, the Director's views appear to the Board to be somewhat too strongly expressed. While it is of course undesirable to employ incompetent men upon settlement work, or indeed upon any other duty, there is a wide difference between this and the formation of a distinct department of settlement officers not ordinarily available for employment on general revenue duties. The establishment of such a separate department, while it might add to the efficiency of the settlement work, seems hardly calculated to diminish its cost.

4. With regard to the 7th paragraph of Mr. Finucane's letter now forwarded, I am to observe that on the 31st July last the Commissioners of Patna and Bhagulpore were duly desired to state what portions of their divisions come under the description of tracts in which uncertainty prevails as to existing rents. The Board are still waiting for a report from Mr. Boxwell, and another reminder has again been addressed to him on the subject.

5. The Director alludes in his 8th and 9th paragraphs to the question of the maintenance of the records by means of the patwaris. The Board would beg to invite the attention of Government to their letters No. 608 A., dated 15th June 1888, and No. 635 A., dated 25th June 1888, in which their opinion has already been expressed that legislation is necessary.

6. It is true that the proprietors of five indigo concerns in Chumparun near Motihari, occupying about one-sixth part of the district, were in communication with the Deputy Surveyor-General for a professional survey of about 600 square miles of country. It appeared from the correspondence which Colonel Sconce forwarded to the Board that an extreme rate of 4 annas per acre was estimated as the cost of the survey (only). The Board have since ascertained from Messrs. Begg, Dunlop and Company, who were acting on behalf of the indigo concerns in question, that the managers have abandoned the idea of having their lands surveyed "as the cost of the survey, as mentioned in Colonel Sconce's letter to us, is too great."

Enclosure 11, in No. 3.

From *M. Finucane*, Esq., Director of the Department of Land Records and Agriculture, Bengal, to the Secretary to the Board of Revenue, Lower Provinces, No. 187 T.A., dated Calcutta, 9 February 1889.

I HAVE the honour to acknowledge the receipt of your letter No. 816 A., dated 31st July, forwarding the correspondence noted in the margin, on the subject of the resumption of the survey and record-of-rights of Behar, and your letters Nos. 1061 A. and 1113 A., dated 1st and 25th October 1888, with enclosures, calling for report on the question of reduction of cost of surveys in Bengal generally.

Revenue Department, No. 2347-1031
L.R., dated 20th July 1888.

Revenue Department, to Revenue
and Agricultural Department, Govern-
ment of India, No. 283-1164 R., dated
25th January 1888.

Letter from Revenue Department,
No. 433-39-2 R., dated 16th June
1888.

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In Revenue Department letter, No. 2347—1031 L. R., dated 20th July, the report in question is asked for after the current field season; but, as the Government of India has recently been making inquiries on the subject, it may be desirable to submit the report called for without further delay.

(1) Sir E. Buck's No. 675 R.—39-4, dated 15th September.

(2) Board's reminder No. 213 A., dated 4th December 1888.

In my letter, No. 871 T.A., dated 24th December, to the Revenue Department of the Government of Bengal, of which copy is annexed (Appendix A.), it has been shown that the Board were under a misapprehension of the facts as to the cost of surveys and records of-right undertaken in Bengal, under the supervision of the Agricultural Department, when they stated that the expenditure was in excess of anticipation. It is at the same time stated in paragraph 10 of that letter that the estimate of 8 annas per acre may be reduced—

1st. By subordinating officers of the Survey Department employed on provisional surveys entirely to the Local Government while so employed.

2nd. By insisting on the employment of local agency instead of up-country amins.

3rd. By training a staff of settlement officers to be employed permanently, or at least for a period of years, on settlement duty, instead of drafting off to settlement work incompetent Deputy or Sub-Deputy Collectors, without experience in survey and settlement operations.

4th. By reducing the number of fair copies of the records to be prepared, which, under the existing orders, amounts to five.

2. The desirability of subordinating officers of the Survey Department employed in provincial surveys to Local Governments has been already allowed by the Government of India, and all that remains is to carry this measure into practice. On this point a special report was submitted to the Board with my No. 771 T.A., dated the 19th November 1888, of which copy is annexed (Appendix B). All that it is necessary to add here is that, while survey officers should be entirely subordinated to the provincial authorities in the manner suggested, it would, at the same time, be very desirable that the provincial authorities themselves should consult the administrative officers of the Survey Department, and that they should ordinarily act on their advice on purely professional matters, such as on questions connected with traverse survey and generally in questions relating to the method of survey to be adopted. The Surveyor General and Deputy Surveyor General, whom I have personally consulted, agree with these recommendations.

If the survey of Orissa is undertaken within the next year or two, and the survey of Behar is resumed, three deputy superintendents of survey at least will be required for the lower provinces; one for Orissa, one for Behar, and one for Wards' and Government estates in Bengal Proper. For supervision of the survey of an area of 500 square miles,—One surveyor at 300 rupees to 500 rupees per month; two assistant surveyors, each on a salary of 120 rupees to 250 rupees per month, would suffice.

One deputy superintendent, like Mr. Scott, who is now employed in the Srinagar estates and has done the work of survey at less than 4 annas per acre, on a salary of 1,000 rupees, might supervise the work of three detachments measuring about 500 square miles each. The effect would be a considerable reduction in the cost of supervision as compared with the present system, under which a more highly-paid officer is sometimes employed in supervising a party measuring about 500 to 800 square miles. Further, the Local Government would have control over expenditure for which it now provides funds, but over which it can exercise no check.

3. The second recommendation made is that the employment of local agency instead of up-country amins should be insisted on. This recommendation has, after much correspondence, been acted upon in Angul and Banki, and is being acted upon in the Kujong and Kanika estates with satisfactory results. It has not hitherto been possible to utilise local agency as much as is desirable in Behar and Bengal surveys, partly because sanction to the undertaking of such surveys had not been received in time to permit of the training of patwari and others before the field season commenced, and partly owing to the

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indifference or opposition of local managers ; but when a programme of surveys has been finally sanctioned in advance, adequate and timely arrangements can be made. Patwaris have been, and are being, trained in the Srinagar Wards' estates in Bhagulpore, and in the Chooramun and Sunkerpore estates in Dinagepore, and now that it is understood that Government will insist on this policy being carried out, the difficulties hitherto experienced will, to a great extent, disappear. The employment of local men as distinguished from foreigners may not, in itself, cause any considerable reduction in cost of surveys, but it will have this advantage, that the surveyors will be understood by the people whose lands they are measuring. The necessity of paying translators, as is at present done, wherever up-country amins are employed, will be obviated. By local agency in this connection is meant primarily patwaris, surbarakars, or others, in actual employment at present, in the estates to be surveyed, where the services of such persons can be utilised, and failing them any inhabitants of the district or province who speak the language of the district under survey, and come forward to be trained and afterwards employed on surveys.

4. The third recommendation offered with a view to reduction of cost of surveys is that a staff of trained settlement officers should be employed permanently, or for a period of years, in settlement work, instead of drafting off inexperienced sub-deputy or deputy collectors to this duty, as is now done.

In the programme for surveys and records-of-right on Wards' and Government estates submitted with my No. 453 T.A., dated 27th April 1888, paragraph 29, it was recommended that three settlement officers and twelve assistant settlement officers should be employed. It has been found that the work of a comparatively highly-paid officer like Mr. Collin in the Srinagar Wards' estate is not only far better done, but in the end it is cheaper than that of a lowly paid and untrained sub-deputy collector like Baboo Shoshee Bhusan Dutt, who is employed as settlement officer on the Sunkerpore Wards' estate, or Baboo

No. 833 T.A., dated 20th December 1888, to the Government of Bengal, Revenue Department.

Bisseshur Banerjee, who is employed in Midnapore. One competent officer (Mr. Collin) is already employed on settlement work in Bengal. Another has been recommended for employment as settlement officer in Julpaigoree. A third will be required for the settlement of Orissa, if that work is taken up next year. Of the assistant settlement officers at present employed on settlement work, Munshree Nundjee, Baboo Burhandeo Narain, Messrs. A. K. Ray and D. L. Roy, who have all had special training, have worked satisfactorily and cheaply. It would, no doubt, conduce to economy if other officers of the same class, before undertaking independent charge of settlement duty, had the advantage of similar training. The exact number of trained officers who would be required will, as a matter of course, depend on the area which it may be deemed desirable to take up and complete each year. It has been found that one assistant settlement officer cannot at most complete the record-of-rights and settlement of rents of a larger area than 150 square miles per annum.

5. Fourthly, it is recommended that the number of copies of the records be reduced by amending Rules 33 and 34 of the Tenancy Act Rules in the manner suggested in a separate letter No. 109 T.A., dated the 28th January 1889, of which copy is annexed (Appendix C.).

6. The effect of these measures, so far as can at present be judged, would be to reduce the total cost of surveys and records of-right for large and compact areas to about 6½ annas per acre. But, inasmuch as the Government of

* Sir E. Buck's No. 55-65-3 S., India* undertakes to bear the cost of traverse survey, the total cost to proprietors and raiyats

will be further reduced to about 6 annas per acre.

7. In the correspondence now under reference, I have not been asked to report on the areas in the Patna and Bhagulpore Divisions, in which uncertainty exists regarding the rents now payable. It is presumed the Board has consulted the Commissioners of the Bhagulpore and Patna Divisions on this question, if such reference is necessary. In my opinion, uncertainty as to the amounts of existing rents prevails throughout the whole of the Patna Division and Bhagulpore and Monghyr districts, save where a survey and record of-rights has been already made, and it would not be possible to pick out estates here

and

and there, and to say a survey and record-of-rights is necessary in this estate and is not necessary in that; neither is it understood that a report on the maintenance of the records is again called for.

8. In my letter No. 767, dated 19th November 1885, a scheme was submitted which was accepted by the indigo-planters and zemindars of the Patna division as represented by the Secretaries of the Behar Planters and Landholders' Association, and it was approved by the Board. If any scheme of legislation for the compulsory maintenance of the record is to be undertaken, it would appear that the scheme in question, which was accepted by all parties concerned, might be adopted.

9. But if it is not deemed expedient to have recourse to legislation for compulsory maintenance of the records, an attempt may be made to maintain them in Behar through the patwaris under the existing law. To do this it would be necessary, according as the settlement of a district or part of a district is completed, that the settlement officer should organise patwari circles and appoint patwaris to be paid by the zemindars or raiyats, as the case may be, in the manner in which they are now paid. He might make over to the circle patwari copies of the records and maps, and the experiment might be tried whether patwaries thus appointed would keep up the records sufficiently well for practical purposes. If it be found that they fail to do so, recourse may then be had to legislation.

10. Finally, whether the records are kept up or not, the advantages resulting from a survey and record would, I think, be cheaply bought at six annas per acre, and in confirmation of this view it may be mentioned that some of the leading indigo-planters of Chumparun have, I am informed, recently applied to the Surveyor General for a professional survey of a tract of country in that district covering an area of 600 square miles.

Enclosure 12, in No. 3.

From *M. Finucane*, Esq., Director of the Department of Land Records and Agriculture, Bengal, to the Secretary to the Government of Bengal, Revenue Department.—No. 871 T.A., dated Calcutta, 24 December 1888.

I HAVE the honour to acknowledge receipt of your endorsement No. 2454—1071 L.R., forwarding, for such remarks as I may desire to make, your letter No. 2453—1070 L.R., dated 28th July, to the address of the Secretary to the Board of Revenue, together with the Board's letter to which it is a reply, with special reference to paragraphs 7 to 11 of that letter.

2. These paragraphs of the Board's letter purport to show that the expenditure on surveys and records-of-right, undertaken under my supervision in Wards' estates under Chapter X. of the Tenancy Act, has exceeded the anticipations of the Board and of myself, and it is argued that, before incurring further outlay "on similar ventures, the Board should on that account wait and watch the results of the experiments to which they are already committed." The first broad remark which I would beg to make on the Board's comments is that the figures given in their letter are generally wrong, and therefore that their inferences from them are incorrect.

3. The grounds on which the Board base the opinion that the cost of surveys and settlements of Wards' estates already undertaken has exceeded the anticipated amounts are stated to be that in a letter No. 390 T., dated 7th July 1886, I alleged that a survey and record-of-rights, when conducted on the most approved method, by professional parties, need not cost more than a sixth part of a year's rent, while it is now found that in the case of the Srinagar and other estates, the cost has amounted to the full nominal demand of the year. It was probably supposed by Government that, before asserting that the cost of surveys carried on in Bengal under the supervision of this department was in excess of anticipations, and before recommending on this account that such

surveys should not be undertaken in future to the extent recommended by Collectors, Commissioners, and myself, care would have been taken in the Board's office to compare the actual outlay with the actual estimates; but this is what has not been done in any one instance. Had this precaution been taken, it would have been seen that the anticipated expenditure had in no case been reached, much less exceeded, at the date of the Board's letter.

4. In the letter of mine, dated 7th July 1886, to which the Board referred as containing the statement that surveys and records-of-right might be completed at a sixth-part of one year's rent, I was arguing generally in favour of undertaking surveys and records-of-rights in Wards' and other estates, and it is true that I made the statement quoted by the Board; but in paragraph 17 of that same letter the precise cost at which surveys and records-of-right could be completed was given at 8½ annas per acre, which in subsequent estimates was reduced to eight annas per acre, and this amount, I remarked in passing, was not more than a sixth of the year's rental, meaning, as a matter of course, of the rent-paying land. Neither in the case of Srinagar, nor in any other case, has that amount been exceeded, or even reached, up to date; nor had it been reached, at the date of the Board's letter, except in the small estate of Nalchira, where the cost of the operations, when finally completed, was eight annas and nine pie per acre, and this was not one of the cases referred to by the Board. I took eight annas an acre to be about a sixth of a year's rental on the authority

The road-cess returns for 1878-79 give the following valuations of land per square mile for each district of the Patna Division:—

	Rs.
Patna - - - - -	2,760
Gya - - - - -	1,500
Shahabad - - - - -	1,300
Mozufferpore - - - - -	1,471
Durbhunga - - - - -	1,922
Sarun - - - - -	2,080
Chumparan - - - - -	742

It may be worth while to examine these figures somewhat more closely. It will probably be admitted that the road-cess valuation, based as it is upon returns, furnished by the zemindars themselves, and itself furnishing the basis of the road-cess assessment, is never more than the real district rental, and generally considerably less. Sarun is undoubtedly the most highly cultivated and the most thickly populated district in Behar, and it might reasonably have been expected to head the valuation list. I find, however, that Mr. MacDonnell is of opinion that the Sarun district has been greatly under-assessed, probably by not less than 25 per cent. In Gya there is a considerable area of hills and waste land, and this tends to reduce the valuation. Shahabad is the most prosperous district in the division. In the north a large proportion of the land is held under guzashta tenures at fixed rates, while the southern part of the district is hilly, and yields little rent. Yet the whole average is as high as Rs. 1,300, and this makes it clear that those ryots in the north of the district who do not enjoy the protection of fixed rates must pay a high rental. The average in Durbhunga rises to Rs. 1,922, in spite of the large area of unoccupied land in the Mudhubanee sub-division. The circumstances of Chumparan are exceptional, the proportion of waste land being very large. The subdivision of Bettiah, which includes four-sevenths of the district, has a population of only 279 to the square mile. Yet the average valuation in Chumparan is as high as in Nuddea, and much higher than in such districts as Furreedpore and Cattaek.

Let us now compare the above figures with those obtained for the districts of Bengal. The highest average valuations per square mile in Bengal are those given below—

	Rs.
Burdwan - - - - -	2,100
Hooghly - - - - -	2,100
Noakhally - - - - -	1,900
24-Pergunnahs - - - - -	1,500
Rajshahye - - - - -	1,500
Backergunge - - - - -	1,400
Rungpore - - - - -	1,300
Moorsheadabad - - - - -	1,290
Chittagong - - - - -	1,210

A valuation of Rs. 2,000 per square mile implies an average rental of above Rs. 3 per acre, and this is a high rate to be yielded by a whole district, inclusive of hills, forests, and uncultivated lands. Taking the Patna Division as a whole it would seem that the incidence of rent on the land for which rent is actually paid cannot be less than Rs. 5 an acre. The usual rate for land under sugarcane is Rs. 12-8 an acre; for poppy lands it is Rs. 10. The bhaoli system, again, tends to keep the average rental high. Most of the bhaoli land is under paddy, and in a good season the paddy crop on an acre of land will fetch about Rs. 30, of which the landlord takes one-half, and in many cases nine-sixteenths.

land, I submit that I was within the mark. But it is obvious that it was never meant, and never could have been intended to be meant, that if, say, the nine-tenths of an estate were under jungle and only one-tenth under cultivation, a

survey

of a note by Mr. Reynolds, dated 11th December 1880, to be found in Volume I. of the Bengal Government Report of 1881 on the Tenancy Act, pages 376 and 377, from which an extract is quoted in the margin. From that note it will be seen that the average incidence of rent in Behar, according to the road-cess papers of that time, was stated by Mr. Reynolds to be no less than Rs. 5 per acre for rent-paying land; and spreading the rental over the entire district area, including forests, hills, and roads, the incidence was not less than Rs. 3 per acre. In Bengal the incidence of rent would be somewhat less, but, as the figures quoted in the margin from Mr. Reynolds' note show, even in Bengal, it may be fairly assumed that the incidence of rent is not short of Rs. 3 per acre on the rent-paying land.

When, therefore, I said that a survey and record-of-rights could be prepared at eight annas an acre, and that this did not represent more than a sixth of a

year's rental of rent-paying

survey and record-of-rights of the entire estate could have been completed at a sixth part of the rental of the cultivated part of it. Indeed, it would be an obvious absurdity to say that a survey and record-of-rights could be prepared for any particular quota of the rent, when there was no rent. It is therefore a matter for some surprise that it should be argued that the estimated expenditure has been generally exceeded, not on the ground of a comparison of the estimates of eight annas an acre sanctioned by the Board, and reported to the Government of India and Secretary of State, with the actual expenditure, but by a process of deduction, from a passing remark which had no reference to any particular case, and which in itself was at the same time strictly correct.

5. Having made these general remarks as to the method of reasoning by which the Board inferred that surveys and records-of-rights have proved more expensive than was contemplated (paragraph 11 of the Board's report), I now proceed to take up each case separately, and to show that, so far as it is from being the case that these operations have proved more expensive than the Board had reason to anticipate, they had, in fact, at the date of the Board's letter, with the one trifling exception above referred to, in no case reached the cost estimated by me and sanctioned by the Board and Government, and in no case is the actual expenditure likely to reach the estimated amount, save possibly in one in which the conditions are exceptional.

6. *Srinagar*.—The first case noticed by the Board is that of the Srinagar estates. The sanctioned estimate is Rs. 2,40,119 on an area approximately put down at 500,000 acres, or about eight annas an acre. The actual expenditure on the area cadastrally surveyed was shown in Mr. Collin's annual report for 1887-88 at three annas and eight pie per acre, which the survey officer in charge hoped to reduce to three annas.* The cost up to the date of the Board's letter (27th June) of both survey and settlement operations was four annas 10 pie per acre, up to date of the latest progress report five annas and one pie per acre, and both survey and settlement officers are confident that the operations, when completed, will not amount to the original estimated sum of eight annas per acre.

The Board, however, argue that, because the estimated cost is more than a sixth of a year's rent, therefore, the actual cost, which, it will be remembered, has not reached, and is not expected to reach, the estimate of eight annas per acre passed by the Board, is more than was anticipated.

7. Moreover, assuming for a moment that any conclusion could be come to in the matter from a comparison between rental and outlay, it happens that the Board has made the strange mistake of taking the Court of Wards' share of the rental as the whole rental, while in fact the Wards' share has to be doubled in order to arrive at that rental, and the Board has compared this fictitious rental with a fictitious estimated outlay, and not with the actual outlay and the actual estimates. When the actual cost of survey and settlement operations is known, it will probably be found that the cost of survey and records-of-rights of the rent-paying area will not be much in excess of a sixth of a year's rent; but whether this turns out to be so or not, the fact has, I would submit, no concern with the question whether the cost does or does not exceed what was anticipated by me, the Board, or Government. I have always anticipated and estimated an outlay of eight annas per acre; the Board and Government sanctioned that estimate, and it is only when it is exceeded that it can be said, with any show of reason, that the expenditure has exceeded the Board's anticipations. In the present instance the anticipated cost has not been reached, and is not likely to be exceeded.

8. It seems unnecessary to follow in detail the remarks made by the Board on the other cases mentioned in paragraphs 8, 9, and 10 of their report, further than to remark that the estimate in every case has been eight annas per acre, and in no one case had this estimate been reached at the date of the Board's letter now under consideration; nor has it been reached up to the date of this letter. In Chooramun the cost of the survey and settlement operations for the year 1887-88 was 5½ annas per acre†; in Maldwar five annas‡, and in Sunkerpore six annas§, yet the Board argue that the cost had in each and every one of these cases exceeded their anticipations and in every case they have accepted the Court of Wards' share of the rental as the entire rental, whether the Ward held 16 annas of the estates or not.

* Vide paragraph 37 of the Annual Report of this Department, 1887-88.

† Paragraph 53.

§ Paragraph 39.

not. In none of these estates has the expenditure exceeded, or is it likely to exceed, the estimates sanctioned by the Board, and I trust the actual cost when the operations are brought to a close, will be less than the estimates, except only in one estate—that of Sunkerpore. In this case, I fear the estimated cost of eight

annas may be exceeded. It happens, however, as to this particular instance, that in my letter, No. 324, dated 3rd August 1887, from which an extract is quoted in the margin, I drew Board's attention to what appeared to be the excessive outlay being incurred by the Survey Department so far back as August 1887, and at the same time suggested a change in the method of working followed by the Professional Department, but even in Sunkerpore the estimated cost of eight annas per acre has not yet been reached.

9. The following statement will show the estimated cost of all the larger surveys and settlements undertaken in Government and Wards' estates, and the actual outlay up to date of the latest progress

I am inclined to recommend that the cadastral work of the Survey Department be thus confined to part of the Srinagar estates, and possibly to Angul, because, though it has been asserted on behalf of that department that it would be able to complete cadastral work in Bengal at the moderate rate of four and a-half annas an acre, yet as a fact the work done in Mezufferpore, and now again in the Sunkerpore estate in Dinagopore, has for one reason or another very much exceeded that amount. If the Survey Department had in fact succeeded in completing its portion of the work of survey and record-of-rights at four-and-a-half annas per acre, the entire work of survey and settlement might be done at eight annas as estimated, or less; but if the Survey Department continue to fail, as it has hitherto failed, to complete its portion of the work at anything like the estimate of four-and-a-half annas, even under the very favourable conditions prevailing in Dinagopore as to cost of labour and cheap supervision (and there is no apparent reason to hope for cheaper work from that department in future than ought to have been possible this year in Sunkerpore), then the sooner the fact is recognised that the agency of the department is too expensive the better. I do not think it would be right to ask Wards' estates to pay six to seven annas an acre for survey alone, when the experience of other provinces has shown the work can be done for much less. The work done by the professional party this year in Sunkerpore, it is true, is cheaper and far better than that done in Dinagopore by non-professional agency employed in the same district, but still the work is in itself more expensive than is desirable or necessary, and is far more expensive than that done in the Central Provinces. It is not enough that the professional work should be cheap as compared with the work hitherto done by non-professional agency in Bengal, but it ought to be reasonably cheap as compared with work done in other provinces also. Therefore it is that it appears to be desirable to endeavour at once to work to a larger extent than was previously contemplated by me, according to the Central Provinces system, regarding which I annex, for the Board's information, a report submitted to Government on that system. Colonel Sconce, with whom I have discussed the subject, is, however, averse to the withdrawal from Dinagopore of the detachment of the survey party now employed in Sunkerpore, and I am reluctant, without further trial, to set my opinion against that of an officer of his experience, who, I am aware, is as desirous as I can be, to have the work done with due regard to economy. If, then, the Board or Government should be of opinion that it is desirable to give the professional system a further trial in Dinagopore, the detachment now employed in the Sunkerpore estate can be employed next cold weather in the cadastral survey of the Maldwar estate, but it should, in that case, be clearly understood that the employment of up-country amins must be absolutely prohibited, and that local indigenous agency must be trained, or, failing them, that Bengali amins alone must be entertained.

reports; and it will be apparent from it that in no case has the estimate been exceeded, and in none is it likely to be exceeded save in Sunkerpore, where, however, I hope the cost to the proprietors and raiyats will not ultimately be far in excess of the estimates. I do not include some petty estates of a few hundred or thousand acres each, which are being surveyed by non-professional agency, because the cost of instruments, and of a deputy collector's supervision in them, for even a month or two, spread over a small area, necessarily runs up the expenditure per acre to more than eight annas; and, moreover, these petty estates were not contemplated by the Board in making their remarks.

ESTATE.	ACTUAL OUTLAY PER ACRE.		TOTAL.	REMARKS.
	Survey.	Settlement.		
	Rs. a. p.	Rs. a. p.	Rs. a. p.	
I.—Wards' Estates—				
Sunkerpore - - - -	0 6 5	0 1 3	0 7 8	
Srinagar Banaili - - -	0 3 11	0 1 2	0 5 1	
Maldwar - - - - -	0 4 8	0 0 9	0 5 5	
Churamun - - - - -	0 4 5	0 1 9	0 6 2	
II.—Government Estates—				
Angul - - - - -	0 4 4	0 1 8	0 6 0	
Banki - - - - -	0 4 4	0 0 6	0 4 10	
Nalchiri - - - - -	0 4 5½	0 4 4½	0 8 10	Settlement Officer's final report.
III.—Private Zemindars' Estates—				
Dubalhati - - - - -	0 4 0	0 1 0	0 5 0	

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In the case of the Government estates in Angul, the Board, before placing the survey and settlement operations under my supervision, had sanctioned estimates amounting to Rs. 2,50,000. A proposal to survey Banki at a cost of Rs. 1,64,411 has been prepared by the local officers on the Khoordah scale and submitted for sanction. At this stage the correspondence was made over to me, with the result that the estimates were reduced by nearly two and a-half lakhs of rupees, and it is believed the professional survey and settlement of both Angul and Banki together, with an area of 897 square miles, will now be completed for eighty thousand rupees less than the Board had sanctioned for Angul alone, or little more than was proposed for expenditure of 116 square miles in Banki alone. When it is remembered that the survey and settlement of 990 square miles in Khoordah, half of which is waste and jungle, cost Rs., 1,70,154, *i.e.*, over 19 annas per acre on the entire area, and 43 annas per acre on the cultivated area; that the work took eleven years to complete, that for this enormous outlay not one single fair copy of the records has been prepared for the use of the sarbarakars, that expense is still being incurred in fairing these records and training sarbarakars to maintain them, while the survey and settlement of 897 square miles in Angul and Banki, with fair copies of the records and training of sarbarakars to maintain them, will have cost Rs. 1,70,025, that the work will be completed within three years of the beginning of operations, and will be far better done than Khoordah, it is difficult to see what reasons the Board have for saying that the cost of survey and settlement operations carried on under my supervision either in Wards' or Government estates has exceeded their anticipations.

The Board have expressed their entire satisfaction with the manner in which the survey and settlement operations in Khoordah were conducted. If

* *Vide* Mr. Taylor's final report, operations costing the enormous sum of 43 annas page 14.

10 pice per acre on the cultivated area* and 19 annas 5 pice on the entire area can be considered satisfactory by the Board, on what grounds can it be said that more complete and more accurate operations costing less than eight annas per acre are more expensive than they had reason to anticipate? Similar remarks apply to the survey of the private zemindari estate of Dubalhatti, the estimated expenditure on which was eight annas per acre, the actual outlay up to September being only five annas per acre. Yet in this case also not alone has it been said that the expenditure has been excessive, but on the strength of such representations the statement has been reproduced in Government Resolution on the Board's land revenue administration, published in the "Gazette," and explanation has been called for from me.

10. In the preceding remarks it has been shown that the Board were under a misapprehension of the facts when they stated that surveys and records-of-rights in Wards' or other estates have proved to be more costly than was anticipated; that they based their opinion not on a comparison of actual estimates with actual outlay, but on a deduction from a general remark as to the relation of eight annas per acre to the incidence of rent in Behar and Bengal; that in making this comparison they overlooked the fact that a large portion of the estates under survey is not rent-paying; and, further, that they have mistaken the rental in the Wards' share for the whole rental, though in all, or nearly all, of the Wards' estates under survey, the Ward holds only a fractional share. In so far, then, as the Board have excluded estates from survey on the grounds mentioned in paragraphs 7 to 11 of their letter, I would submit that such exclusion is not warranted by the facts. But though the actual cost of surveys and settlement operations carried on in the past few years, under the supervision of the Agricultural Department, is far less than the cost of similar operations as previously conducted in Bengal, as reference to paragraph 15 of my letter No. 390 T., dated 7th July 1886, will show, and though the cost has not been more than, having regard to the peculiar difficulty in the way of conducting such operations in these provinces, from the first was reported to be likely, yet I am free to admit, and have always urged, that the estimate of eight annas an acre is itself too high, and am of opinion that it can be reduced—

1st. By subordinating officers of the Survey Department employed on provincial surveys entirely to the local government;

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2nd. By

2nd. By insisting on the employment of local agency instead of up-country amins;

3rd. By training a staff of settlement officers to be employed permanently, or at least for a period of years, on settlement duty, instead of drafting off to settlement work incompetent deputy or sub-deputy collectors, without experience in survey and settlement operations.

4th. By reducing the number of fair copies of the records to be prepared, which under the existing orders amounts to five.

Recommendations 1, 2, 3 have already been made by me on more than one occasion, and a separate communication is now under issue to the Board as regards No. 4.

11. The Board's letter has been forwarded to me for remark with special reference to paragraphs 7 to 11 only; but as inaccurate statements of fact similar to those already described, occur throughout the whole of the Board's letter, it appears desirable, and I trust it may not be considered disrespectful to the Board, if I point out some of these mistakes; so that if the local and supreme Governments finally decide on excluding from survey all or any of the estates recommended to be excluded by the Board, such decision may be arrived at on full consideration of all the facts of the case, and not on such mistaken and inaccurate representations as it appears to me are contained in Mr. Cotton's letter of the 27th June.

12. In the first place, it is necessary to notice that the Board has treated the programme of surveys and records-of-rights in Wards' and Government estates, submitted with my No. 493 T. A., dated 18th May 1888, as an ambitious programme based on my personal opinions, they state that, in framing the proposals in question, I have gone beyond the limits laid down by the Government of Bengal in their letter No. 3389—596, dated the 14th November 1887, and they charge me with having done so for no better reason than a desire to extend the provisions of Chapter X. of the Tenancy Act to as many estates as possible. In point of fact the proposals submitted with my letter were not mine, but those of the Collectors and Commissioners concerned. What occurred as regards the preparation of the programme was this. The Board, in a Resolution dated 1st August 1887, of which copy is annexed, issued instructions to Commissioners direct for the preparation of programmes of surveys and records-of-rights for their several divisions. They gave, it will be seen, in this Resolution their own explanation of the orders of the Secretary of State, of the Government of India, and of the Bengal Government, and they called upon local officers to submit statements showing which estates should be surveyed and which should not be surveyed in accordance with the terms of these orders. Commissioners accordingly submitted their reports to the Board, and the Board made those reports over to me with their No. 905A., dated 1st November 1887, and No. 1A., dated 3rd January 1888, in order that I should prepare the provincial programme from, and in accordance with them. All that I did was to group together estates which, in accordance with the terms of the Board's Resolution, Commissioners had recommended for survey, and in no instance did I include an estate in the lists of properties to be measured which had not been so shown in the Commissioners' reports. If then the limits laid down by the Government of Bengal were exceeded at all it was either because the instructions given in the Board's Resolution exceeded these limits, or because Collectors and Commissioners misunderstood the Board's orders. These instructions were so precise and clear that they appeared to be open to no sort of misapprehension; it accordingly appeared to me that it might have been assumed that the Collectors understood them, and that when they included any particular estate in the list of those to be surveyed, they did so with due regard to all the considerations mentioned for their guidance in the Board's Resolution. It was for this reason that I did not think myself justified in excluding from survey any estates which the Collectors had shown in the list of those to be surveyed, nor did I feel called upon to make—and was not asked to make—any sort of inquiry as to the solvency or otherwise of the minor. No mention is made of all this in the Board's letter, in which the proposals are criticised with severity, as if they were entirely mine. I would with all respect submit that it was not fair to
criticise

criticise a programme prepared by Commissioners in accordance with the Board's instructions, and with due regard to their orders, as if it were prepared exclusively by me, in accordance with my personal predilections, when the fact was that my share in the preparation of the programme was confined to the mere secretariat work of grouping together, in convenient form, such estates as had been recommended by Commissioners for survey.

13. Putting aside, however, this aspect of the question, I would now proceed to consider how far, in fact, the proposals submitted by Commissioners are in accord with the orders of the Governments of India and Bengal, and whether the exclusion of certain estates from survey, on the grounds given by the Board, would not amount to a serious modification, if not to a practical reversal of these orders.

14. The Government of India, in their Despatch, No. 3, dated 10th May 1887, expressed the opinion that surveys and records of-right should be undertaken in every case in which a serviceable map and rent-roll does not exist. "We consider," they remarked, "it the clear duty of Government to deliver to the proprietor a correct map and rent-roll along with the possession of his estate, and it concerns the credit of Government that a property should not be managed during the minority without any attempt to obtain accurate statistics of its

* Despatch No. 3, dated 10th May 1887, paragraph 12. measurement and tenants."* The Government of

Bengal, in communicating these orders to the Board, do not appear to have attached as much importance as the Government of India to the existence of maps; but, as remarked by the Board in paragraph 6 of their Resolution of the 1st August, laid it down as the guiding principle that, "if an estate does not possess a trustworthy rent-roll on which a Collector can fairly be asked to make out a certificate of arrears, a survey appears to be necessary before any tolerable system of management can be established." Financial considerations were not to be ignored; but if an estate had not a trustworthy rent-roll, and financial embarrassments precluded the undertaking of survey and record operations, it was suggested that the management of the estate by the Court of Wards should be relinquished. The principle laid down by the Government of India would have left no room for doubt as to when an estate should be surveyed, inasmuch as the question would always be a simple one of fact, regarding which there could be no difference of opinion—Does a serviceable map exist or not? If this rule were acted upon, it may be broadly said that almost every Ward's estate in Bengal would either have to be surveyed or released from the management by the Court of Wards.

15. The orders of the Government of Bengal, however, left much more room for exercise of individual discretion in coming to a conclusion as to whether any particular estate should or should not be surveyed. One Collector may think a jamabandi to be serviceable, on which he may fairly be asked to issue certificates, while another, more careful or perhaps more scrupulous, might feel it his duty to decline to issue certificates on the same rent-rolls. My own opinion is that it is an abuse of authority to issue certificates in a Ward's or any other estate, unless the ryots have admitted the accuracy of the demand, either by formally executing kabuliyats, or by oral statements made before and recorded by an impartial revenue officer; but this was a matter on which the local officers on the spot may reasonably be supposed to be better judges than a central authority having no opportunity to examine the rent-rolls, and it would appear to me that the judgment of the local officers cannot be usefully set aside on such a matter by a central authority without at least making an examination of the rent-rolls. The Board, however, have set aside the recommendations of the local officers without any examination of the rent-rolls, without calling for any such examination of them, without being satisfied whether they are trustworthy or not, and they have done so on grounds which appear to disregard the views of the Government of India, and to minimise the cardinal principle laid down by the Bengal Government, to such an extent that, as a result of the lengthened discussions on the subject, which have been going on from Sir George Campbell's time down to the present day, there is now no principle left for future guidance, and the policy of vigorously prosecuting surveys and records-of-right in Wards' estates is practically reversed, while that of ascertaining and

recording the rights of the ryots with a view to protecting them from present or future rack-renting, chicanery and fraud is entirely ignored.

16. One estate, Haripore (paragraph 17 of the Board's letter), is excluded from survey, not because it has been ascertained that the rent-rolls are trustworthy, but because there have been no outbreaks of disorder or disputes which render "exceptional measures" necessary. Another splendid estate, Dighaputea (paragraph 15), because it is assumed (wrongly) that no disputes exist, and in the Board's opinion the "interference of survey and record-of-rights would create confusion." A third estate, Dakhin Shabazpore, is excluded because, though the greatest confusion exists in the rent-rolls, the proprietors are gentlemen of independent means, and the Board think no action should be taken without their consent. A fourth (Dhankoorā) is not admitted to the benefits of survey, though the greatest confusion exists in the rent-rolls, because there is, it is stated, great complication in the proprietary interests, the ward will attain his majority in three years, the estate was (incorrectly) supposed to be in debt, and there is no prospect of the record-of-rights being kept up (paragraph 20). A fifth (the Pawadih estate) on the ground that khas management is found to be unprofitable, and it is proposed to hand the estate over to a thikadar. A sixth (the Tikari estate, paragraph 27) because, though it has not been ascertained that rent-rolls are such that a Collector might fairly be asked to issue certificates upon them, the estate is mainly let under thika leases (which will expire in a few years), and therefore it is argued the rent-roll is a matter of no uncertainty. A seventh (Narhūn) because, though the rent-rolls are declared to be untrustworthy, the manager is able and efficient, and it is supposed (wrongly) that the cost of the work would swallow up all the cash balance likely to become available before the Ward comes of age; in one part of their letter the Board say the object of survey and settlement operations should be to prevent disputes; in another it is implied that these operations should only be undertaken where general disorder and confusion have already manifested themselves. Finally, all the smaller Wards' estates are excluded from survey, whether the rent-rolls are in confusion or not, whether these estates are solvent or insolvent, let in farm or held khas, solely because they are small.

17. The effect is that, though the total area of Wards' estates in Bengal is over ten million acres, and though maps of any sort do not exist, except for a very small portion of this area, yet the Board's interpretation of the orders of the Governments of India and Bengal results in this, that surveys and records-of-right are desirable in only one million acres, that is to say, a tenth part of the total area, or one-third part of the area recommended by local officers for survey, in accordance with their construction of the orders of Government, as explained by the Board in their Resolution of the 1st of August.

18. With these remarks of a general character, I now propose to examine more in detail the circumstances of the several estates recommended by local officers for survey, but excluded by the Board. From paragraph 16 of their letter the Board proceed to deal with such estates. The first of them is the property of the Ward Roma Prasad Rai Chowdhry in Khoorna. "These estates," the Board remark, "are singularly unsuited for survey. The Ward will be 20 years of age on 2nd July next, and in the close of the year his estate was indebted to the amount of Rs 48,720, although the estates belonging to Baroda Prasad Rai Chowdhry are able to pay the costs. The complication is very great in consequence of divided interests of shareholders, and a claim by the Ward's grandmother to six annas of the largest estate belonging to the ward is still unsettled. Even if," it is added, "it were desirable to survey these estates on other grounds, their indebtedness, the age of one of the owners, the uncertainty of the ward's title, and the complicated character of the various proprietary interests held by the ward would seem to specially mark them out as property on which the experiment of a survey should not be tried."

The Board are here referring to estates shown in the table given in page 4 of my report, dated 9th August, where they are not described as Roma Prasad's estates, but Baroda Prasad and Roma Prasad's. The Board criticise the proposal as if these estates belonged chiefly to Roma Prasad, but in fact they belong mainly

mainly to Baroda Prasad, and the estates of Roma Prasad were only proposed to be surveyed where they are held in joint ownership by him and Baroda Prasad. A reference to the Presidency Commissioner's report will show that both the Collector and the Commissioner of the division proposed that a survey and record-of-rights should be prepared of Baroda Prasad's estates, and the reasons are stated in the Commissioner's report* and in the annexures thereto.

A reference to these reports will also show that the proposal mainly concerns the estates of Baroda Prasad Rai Chowdhry, which "have lately come under the Court of Wards, and are well able to bear the cost of survey." In regard to one of them, owned by Baroda Prasad alone, it is stated that encroachments have been made by a neighbouring zemindar, and with respect to others also held exclusively by Baroda Prasad, it is reported "there are several boundary disputes with a number of influential tenants."

19. Roma Prasad Rai Chowdhry holds a three-annas four-pie share in the estate No. 9 of the Commissioner's list, comprising an area of 4,936-2 acres, of which Baroda Prasad Rai Chowdhry holds the remaining 12 annas eight pie, and it is only for this reason, and to this extent, that the Collector and Commissioner recommend the survey of part of Roma Prasad's estates, as supplementary to, and necessarily arising out of, the proposal to survey Baroda Prasad's estates. The Board treat the proposal as if it mainly concerned Roma Prasad's share; and because there may be difficulties as regards the payment of Roma Prasad's quota of the expenses in some estates held jointly by him and Baroda Prasad, therefore they argue that Baroda Prasad's estates should not be surveyed, even where he does not hold jointly with Roma Prasad. Of the estates shown in Clauses 1, 2, 3, 4 of the Commissioner's report, as belonging either to Baroda Prasad exclusively, or to him and Roma Prasad jointly, the putni talook in pergunna Jumooria appears to belong entirely to Baroda Prasad Rai Chowdhry. Of the 12 estates named in Clause 2, 11 belong entirely to Baroda Prasad and eight annas of the twelfth, while it is only the estates shown in Clause 3 that are held by Baroda Prasad jointly with Roma Prasad. The Board's recommendation would then amount to this, that because Baroda Prasad holds certain estates jointly with Roma Prasad, not only should the area thus held jointly be excluded from survey, but the remaining estates which are held exclusively by Baroda Prasad should be likewise excluded, though the Collector remarks, "There is every likelihood of the rental being considerably increased by a measurement and resettlement of the lands comprised in these mehals." The fact that Baroda Prasad's grandmother claims a six-anna share as her stridhan should not be any bar to the survey of the estates at present held by the Ward, if such survey is on other grounds desirable, for even if that lady established her claim, it is possible her share may still remain under the management of the Court of Wards, and whether this be so or not, the Court of Wards is now in possession as landlord of a 12-anna eight pie share as representative of Baroda Prasad, and of the remaining three-anna four-pie share as representative of Roma Prasad, and has ample power to apply for a survey and record-of-rights, whether as the representative of Baroda Prasad alone, or of him and of Roma Prasad jointly; and if, as the local authorities represent to be the case, such survey and record-of-rights be necessary in order to secure good management, and to obtain for the landlord Baroda Prasad the fair increase of rent to which he is said to be entitled, it would seem that the court is bound, in the interests of Baroda Prasad, either to apply for such survey, or to relinquish the management.

20. It is unreasonable to deprive Baroda Prasad, who is not in debt, of the benefit of a survey and record-of-rights, and of the enhanced rents which the Collector says are likely to be obtained as a result of those operations, merely because he has the misfortune to hold jointly with Roma Prasad, who is in debt. Neither ought "the complicated character of the various proprietary interests" be any bar to the survey of these estates. One of the main objects of survey and record-of-rights is to prevent complications where they have not already arisen, and to clear them up where they have arisen. In this case the only complication as regards proprietary interests would appear to be in the

fact that the grandmother of one of the minors claims as stridhan a certain share, not in all the properties, but in one of them. This claim at the most would only be an argument in favour of deferring the undertaking of survey operations in that particular property till such time as the claim is determined, but in reality it need in no way affect the survey and settlement proceedings. But whatever may be said in favour of the exclusion of estates held jointly by Baroda Prasad and Roma Prasad, it is clear that there is no reason whatever for excluding from survey the estates held exclusively by Baroda Prasad, *i.e.* those numbered 1 to 10 of the Commissioner's list.

21. *Haripore Estates*.—The next case of estates put down for survey in the programme submitted with my letter, but excluded by the Board, is that of the Haripore Ward's Estates in Dinagepore. As to these estates, it is remarked, in paragraph 17 of the Board's letter, that "it is proposed to extend the operations to them for no reason whatever beyond the desire to enforce Chapter X. of the Tenancy Act in as many estates as possible."

These estates, it will be seen on a reference to the statement annexed to the Commissioner's report (page 5), were included by that officer and by the officiating Collector in the lists of estates to be surveyed. It might, therefore, be assumed that the circumstances were such, whether from the untrustworthiness of the existing rent-roll, or for other cause, as to render a survey and record-of-rights desirable. It is true that the Commissioner did not state in detail his reason for recommending these estates for survey; but he was not asked by the Board to do so. If Commissioners were to give detailed reports of the circumstances which, in their opinion, rendered a survey desirable in each and every one of the numerous estates included in their lists, their reports would have been interminable, when in fact they had been informed by the Board in the first paragraph of their resolution of the 1st August that the stage had been reached when the Board had no desire to add to the already voluminous correspondence on the subject, but wished rather to determine the definite action to be taken in accordance with the principles prescribed by Government for their guidance. But it is not alone the present Commissioner of Rajshahye and the present Collector of Dinagepore who recommended a survey and record-of-rights of these estates, but the late Commissioner, Lord Ulick Browne,

Vide Lord Ulick Browne's No. 21 R. dated 18th January 1886, submitted to the Board with my No. 390 T., dated 7th July 1887, paragraph 1.

likewise did so. Lord Ulick Browne was not an advocate of the extension of the provisions of

Chapter X., or any of the other provisions of the Tenancy Act; and when he and the present Commissioner, as well as successive Collectors, recommended a survey and the preparation of a record-of-rights of these estates, it might, I think, have been assumed that they had some better reason than a desire to extend the provisions of Chapter X. to as many estates as possible. But not alone have all these officers recommended the survey of these estates, but the Board themselves, in paragraph 19 of Mr. Cotton's letter No. 588A., dated

It would no doubt be possible to fix upon estates to which these objections would not apply, such as Haripore in Dinagepore, Kanika in Cuttack, and Turkoa and Malighati in Midnapore. All these are estates in which the lands are under direct management, and which are likely to remain in the hands of the Court of Wards for many years to come. But there would be no economy in employing a professional party upon the survey of such properties as these. If the scheme proposed by the director is carried out by the organisation of a trained survey department, which will be able to prosecute surveys on the departmental system, but without the expensive supervision of professional survey officers, the survey of these and of similar estates might be undertaken with advantage. But with the agency now available it would be found to be more for the interest of the wards that nothing further should be attempted than measurements under Section 90 of the Tenancy Act. Such operations have been successfully carried out in the Chanchal estate in Maldah, and are now in progress, with every prospect of success, in the Chooramun estate in Dinagepore and in the Burdhankotee estate in Rungpore. (Government ruled that if such surveys were to be undertaken, it would be better to have them conducted under Chapter X., and not Section 90.—*M.F.*)

12th August 1886, from which an extract is quoted in the margin, also stated that a survey and record-of-rights of these identical estates might be undertaken with advantage. The reasons now given by the Board for exclusion of these estates from survey (which it will be observed are inconsistent with their remarks of 1886) are that they will pass out of the court's management in four years, the Ward now being about 17 years of age, and that there are no disputes to render exceptional measures necessary. But in the

Board's Resolution of the 1st of August, it is specifically pointed out that the Government of Bengal "had recorded its opinion that surveys and records-of-right should be undertaken in Wards' estates, even though the Ward's estate is soon to pass out of the control of the court;" and the whole tenour of that resolution

resolution was to the effect that surveys and record-of-rights of such estates, far from being considered "exceptional measures," were indispensable requisites of tolerable management, except where a field map already exists, or the rent-rolls were so trustworthy as to justify the issue of certificates upon them—a condition which, in my opinion, is fulfilled neither in Haripore, nor in the great majority of the other estates in Bengal, of which a survey has not been already made and a record-of-rights prepared. The prosecution of these operations would, the Board add, cost Rs. 43,000, and as the estate has already to its credit only Rs. 17,000, the undertaking would involve the expenditure of all the funds available, and throw the estate into debt. I find, however, on reference to Statement IV., appended to the Board's last Annual Report on Wards' and Attached Estates, that the cash balances on hand and the market value of Government securities amounted at the end of 1887-88 to Rs. 22,203, a sum which would suffice to meet the Ward's share of the cost of survey and of record operations. The Board wrote as if they were of opinion that the entire cost of survey would have to be met by the minor; whereas the minor at the outside would only have to pay one-half, the other co-sharers paying the other half the expenses, and even half the cost would only have to be paid by the Ward on the supposition that the raiyats were called upon to pay no part of the expenses.

22. The next estate in order which the Board would exclude from survey is the splendid Dighaputtia property. "The only reason," it is stated,* "for subjecting this estate to the operations of Chapter X of the Tenancy Act is that it is large and valuable," that "there is nothing in the circumstances of this estate which calls for special action, and that there is, on the other hand, but too much reason to fear that this is just one of those cases in which interference is apt to create confusion which it was the object of the framers of Chapter X of the Act to obviate and prevent." "There are no boundary disputes and no disturbance in the rent-roll, and there is no justification for applying to the estate sections of the Act which were designed, not for indiscriminate application, but to prevent disputes and disturbance." The accuracy of every statement of fact and inference contained in the above extract is open to question. So far is it from being the case that there are no boundary disputes regarding these estates, the fact is that the manager in his

* Paragraph 18 of Board's No. 645A., dated 27th June 1888.

† See also Paragraph 8 of the Manager's No. 408, dated 30th November 1885, to the Collector of Rajshahye.

annual report for 1883-84 reported that† "an external survey for settling and fixing the boundary is absolutely necessary," that "there is scarcely a mouza or village having its boundary contentious with another estate regarding which boundary question would be raised in some shape or another," meaning the question would be raised in every mouza; and so meagre is the information in the manager's office regarding these estates that he was unable at the date of the Commissioner's report, from the information available in his office, to prepare even a list of them. The collections in the younger Ward's estate in the last year amounted to only 75 per cent. of the current demand, while in the previous year, though it is said there are no disputes, the manager had to institute 210 suits, all of which were decided against him. Moreover, it will be seen on reference to the Commissioner's report† that his reasons for subjecting this estate to survey are not that it is large and valuable, but that he does not concur with the manager, who expressed the opinion that the rent-roll is correct and can be fairly trusted. It may be added that even the manager has proposed a survey of these estates, but on some unintelligible system of his own, under which the property is to be divided into blocks of 25 acres each. The correctness of the statement that the interference involved by undertaking a survey and record-of-rights is apt to create confusion, which it was the object of the framers of the Act to prevent, is also open to doubt. I am not aware on what grounds the Board base their opinion in this respect; but the opinion itself seems to be entirely opposed to experienced results of these operations, as well as to the anticipation of the framers of the Act, and to the previously expressed opinions of the Governments of India and Bengal, as well as of the Board itself.

† No. 705Rct., dated 17th October 1887, Paragraph 4.

23. During Sir George Campbell's administration the whole subject of the survey of Wards' estates was discussed, and it was then directed "that the settlement of Wards' estates should be made on the same principles as the settlement of Government estates, that the rights and interests of all persons holding an interest in the land should be ascertained, recorded and protected, and a committee, consisting of Messrs. Schalch, Dampier, and Bernard, was appointed to consider the best way of giving effect to this policy. That committee recommended the undertaking of surveys and records-of-right in Wards' estates, not for the sole purpose of enabling the Collector to issue certificates, thus facilitating the realisation of rents, but also in order to ascertain, record and protect the rights of all persons interested in the land.*

* Board's No. 581, dated 14th September 1882, Paragraph 6.

The Government of Bengal, again in paragraph 10 of its Resolution on the Board's Report on Wards' Estates for 1881-82, wrote—

"The important duty of fixing fair and uniform rents should be observed by every manager. The Government of India were of opinion that the best way of giving effect to this principle was by setting on foot a systematic field survey conjoined with the preparation of a record-of-rights, and in this opinion the Lieutenant-Governor entirely agrees."

In Paragraph 9 of its Resolution on the Report of 1882-83 the Bengal Government said—

"Mr. Rivers Thompson is strongly convinced that no measure is more necessary to the full development of any policy of agricultural Improvement in Bengal than a complete record-of-rights with a detailed survey, and whatever the practical difficulties in their prosecution may be, there can be no assurance of peace or progress till they have been carried out."

The Board themselves, in their circular letter No. 851A., dated 14th September 1882, to all Commissioners, accepted these views and urged on Commissioners the desirability of giving practical effect to them, but, as was pointed out in the Revenue Department letter No. 206T. —R., dated 24th April 1885, to the Government of India, beyond the issue of the Board's circular letter, no report of further action appears to have been made. Many of the

† Paragraph 9, Board's No. 851, dated 14th September 1882.

estates then declared by the Board to be eligible for survey, such as Tarkooa, Beraberia, Malighati, Khetrohah,† Belki, Haripore and Puttea have not only remained unsurveyed up to the present time, but even now they are excluded by the Board from survey, notwithstanding the recommendations to

‡ Boards.

the contrary now made by the local officers and formerly made by the Board;‡ and it is added that there is no reason whatever for surveying them. The opinion now expressed by the Board that the interference of a survey and record-of-rights is apt to create confusion and disturbance, is diametrically opposed to the views declared by the Government of Bengal, that there can be no assurance of peace and progress till such surveys have been carried out. If such operations were likely to lead to confusion or disturbance anywhere, it might have been supposed that such would have been the case in Mozufferpore, where it was alleged that the landlords were opposed to these measures, and would resist the interference involved in them: but instead of creating confusion or disturbance, the Board reported of these proceedings as follows:

"The success of the work, so far as it has gone, may fairly be judged by the absence of that friction and those difficulties which were expected in connection with it. There has been no opposition and no obstacles of any kind. On this subject the Board are glad to reproduce the opinion of the Commissioner, Mr. Halliday, as follows:

"The survey operations under the Bengal Tenancy Act are progressing as smoothly as possible; disputes as to boundaries and possession are few, and are chiefly connected with pieces of waste land and roads; organised opposition there is none; and it is now clear that apprehensions as to relations between landlords and tenants being embittered by the survey are groundless. Among the zemindars the survey seems on the whole not unpopular, inasmuch as they see that it will provide facilities for identifying the whole of their lands and for realising their dues on account of every portion of their estates. The raiyats are quite indifferent in the matter, and see no cause for resistance or opposition to the proceedings.

"The criminal cases connected with the demarcation and survey proceedings have been extremely few, and have mostly on investigation turned out to be false or exaggerated

exaggerated. Nothing in the shape of a riot has been proved in any instance. The survey will effect much good in the way of determining rights, and facilitating the identification of land. It is probable that the survey record will be looked upon as a charter of rights by all classes interested in land, and no transfer will be negotiated without reference to it."

The District Judge after a year's experience of the effect of the actual working of the settlement writes:—

"An administration report of this district would be incomplete without some observation on the recent cadastral survey which had been commenced in two pergunnas Mozufferpore.

"I pointed out in my last report the immense good that was expected to result from the measure, and I mentioned also that the work had been stopped. I regret to have to record that in the numerous villages in which the work remained incomplete, the mischief caused has been so great as to make one wish that the work had never been commenced in these villages at all. The work embraced survey and determination of the rents of the lands of each tenant. False hopes were raised, and at the outset the proceedings created a disturbing influence in the minds of the peasantry. This disturbing effect could have been obviated only by the completion of the work. *For in the villages in which the work has been completed the result has been beneficial, and both the landlord and tenant have in most cases agreed to the entries in the jumabundi slip as correctly giving the incidents of the tenancy. This is further apparent from the very small ratio of appeals which were referred to me as special Judge from the decisions of the settlement officers.* But in the villages which were surveyed and the ascertainment of rents was not completed, or in which the final publication of the jumabundi could not be made, the tension which had arisen between the parties remained, and is manifesting itself in the large number of rent deposits and rent-suits that are coming before the courts."

24. In the Nalchira Dearah, settlement operations have also been completed under Chapter X. of the Tenancy Act. The survey and settlement of this chur had been undertaken so long ago as 1869 under the supervision of the local officers and the Board. No less than four separate measurements had been made at much expense, but for one reason or another no use was made of them, so that, though the previous settlement of the estate expired in 1869 the work of resettlement had not been completed till the passing of the Tenancy Act, the result being the loss of increased revenue which might have been realised for the past 19 years. A settlement officer was appointed in December 1886, and the settlement of this estate under Chapter X. of the Tenancy Act was placed under the supervision of this department. Though his work was somewhat delayed owing to mistaken orders at the outset, the settlement officer completed in 14 months the settlement which had been pending for 19 years. He obtained an increase in revenue of 6,000 rupees for an outlay of 10,059 rupees, and he did so to the satisfaction of the Board and of all parties concerned without creating confusion, litigation, or disturbance of any kind. These are the only instances in which survey and settlement operations undertaken under Chapter X. of the Tenancy Act, under the supervision of this Department, have yet been brought to a close; but such operations are in progress throughout various districts, in many Wards', Government, and private zemindari estates, and they have not in any one instance led to litigation, confusion, or disturbance. Neither does there appear to be any foundation for the statement that the provisions of Chapter X. were designed for application only in special cases with a view to prevent disputes and disturbances. Section 112 of the Act was intended to take the place of Sir Richard Temple's Agrarian Outrage Act VI. of 1876, with a view to prevent or settle disputes and disturbances; but the other provisions of the chapter were intended by the Bengal Government and by the Government of India to be of general application, and it was urged by the Government of India in their Despatch of No. 6 of 1882 that the measures for carrying out a survey and record-of-rights should be applied, not alone to Wards' estates, but to the whole of Behar and Bengal. In the whole range of correspondence and discussion connected with the passing of the Tenancy Act, it is nowhere stated that the provisions of Chapter X. were only to be applied in special cases in order to prevent disputes or disturbances. It is true that in the particular case now under consideration the manager of the Dighaputtea estates is opposed to a field survey; but so was the manager of the Srinagar and other estates, where the necessity for such surveys was established beyond doubt to the satisfaction of the Lieutenant-Governor; as remarked in Mr. Nolan's letter, No. 2419—913, dated

1st December 1886 (paragraph 67), it is not exactly in the interests of zemindari servants that these operations were ever advocated. The late Commissioner, Lord Ulick Browne, wrote of these estates, "that the outer boundaries should be surveyed first,"* implying that a field survey should be subsequently undertaken, while the present Commissioner recommends that both a boundary and field survey should be made at once. The opinions of two successive Commissioners would appear to be of more weight than that of a manager who naturally is averse to "interference," and would like to be left without check or supervision to pursue traditional methods of management or mismanagement, as the case may be. For these reasons I am still of opinion that such of these Dighaputtea estates as are held khas should be surveyed and mapped, and that no sufficient reason has been shown for excluding them from survey.

* See his No. 21 R., dated 18th January 1886.

25. *Dakhin Shahbazpore Estate.*—The next case on which the Board comment is that of the Dakhin Shahbazpore Estate. The Board admit that this is a case "in which no trustworthy rent-roll exists; it was the existing confusion in the accounts which led to the estate coming under the Court of Wards." The estate is not in debt; there are eight adult co-proprietors, possessed of independent sources of income, but the Board think that no action should be taken without the consent of these proprietors. The only remark which it seems necessary to offer in the case is, that as the primary reason for undertaking the management by the Court of Wards was the confusion in the accounts, it would appear obvious that measures should either be taken for clearing up this confusion, or the management should be relinquished. Both the Collector and Commissioner recommend a survey and record-of-rights, and the former adds that he need not dwell on the importance "of these operations, as the estate fulfils the Board's definition of an estate in urgent need of a survey" (Collector's No. 1709 L.R., dated 18th October 1887, paragraph 5, forwarded with Commissioner's report). If the proprietor's consent is to be a condition precedent to the undertaking of a survey of these estates, the proprietors should, I think, be informed that, in the event of their withholding such consent, the estates will be released. It is a scandal to tolerate the issue of certificates against rayats, in an estate of this kind, the zemindari accounts of which "were lost in a cyclone in 1876, and of which there has been no survey or settlement since." It may be added that the Board, in their annual report of 1886-87, paragraph 63, specially named this property as being "large and compact, and presenting an attractive field for testing the practical working of the Tenancy Act." The tenants, it was significantly added, "were recusant, but the manager had succeeded in breaking down their combination."

26. *Dhankoor Estate.*—The Board proceed, in paragraph 20 of their report, to comment on the proposal to survey the Dhankoor estate in Mymensingh, as to which they remark that this is just one of those estates in which a survey and record-of-rights under Chapter X. ought to be enforced, as there is an absence of papers showing proper assessment, and the greatest confusion exists; but the estate is in debt to the amount, the Board remark, of 1,05,303 rupees, and will be released in June 1891, when it is said the Ward will not maintain the records. The area recommended for survey was 22,154 acres, while the total area of the estate was believed to be 66,000 acres, and the discrepancy needed explanation. Further information is, the Board add, required before orders can be passed, and it is observed that I do not appear to have visited Mymensingh, or given any special attention to the circumstances of the estate. It is again to be noted with reference to these comments that, in my report under consideration, detailed proposals were not being submitted, but a general programme for the work of five years. Moreover, a reference to the statements annexed to the Commissioner's and Collector's reports would have shown that the total area of these estates was 89,726, and not 66,000 acres. It was proposed to survey only a part, covering an area of 22,154 acres, in which disputes existed, and the remaining portion, containing an area of 67,572 acres, in which there were no disputes, was excluded. The cost of measuring 22,154 acres would not be more than 11,000 rupees. The rental of the estate, or rather the Court of Wards current demand, is 1,33,077 rupees. A balance of 1,65,192 rupees was outstanding and shown to be good and recoverable

recoverable at the end of the last year; other debts due to the estate amounted to 1,20,439 rupees,* thus making a total due to the estate at the end of the year of 2,85,631 rupees. The debts due by the estate amounted only to 91,734 rupees; there was a cash balance in hand of 29,460 rupees, and the estate has still three years to run under the Court's management. In view of the figures quoted above, it is not easy to see what difficulty can be experienced in providing a sum of eleven or twelve thousand rupees for the work of survey and settlement, admitted on all hands to be necessary.

27. It may be added that the manager in paragraph 5 of his letter, No. 578. dated 14th October 1887, annexed to the Commissioner's letter, submitted to the Board with my report, gives the debt to be liquidated as 25,000 rupees, and not 1,05,303 rupees; and that both he and the Commissioner propose to set aside four or five thousand rupees a year to meet the expenses of survey. The Board, reporting on this estate in 1886-87, wrote that rent-rolls had then been prepared "as far as could be done after local inquiry as well as by other means, but until a general measurement of the lands is made and a

* Board's annual report for 1887-88, paragraph 56.
† Paragraph 66 of their Annual Report for 1886-87, and Resolution dated 16th December 1887, paragraph 4.

record-of-rights prepared under the Bengal Tenancy Act, correct rent-rolls cannot be prepared,"† and Government in their resolution on that report remarked that "special attention is needed to this point since the passing of the Bengal Tenancy Act, which, by enforcing in an effectual manner the previous law requiring a landlord to indicate the amount of rent when giving a receipt, renders it more difficult to realise where the landlord does not know what his own rent is, or has not arrived at an understanding on the subject with his tenants."

28. I am not aware what further information is required in order to permit of a decision being come to on the question whether these estates should or should not be surveyed. If it is decided to survey them, detailed estimates may then be prepared. I would here invite attention to the fact that the number of certificates against raiyats issued in the Decca Division has increased during the past year from 754 to 1,167, that this increase is put down by the Board to the account of this estate (*vide* paragraph 26 of the Board's last Annual Report on Wards' and Attached Estates), and that in view of the admitted confusion and utter want of "any papers showing proper assessments," the issue of certificates would appear to be altogether unjustifiable. This, however, is a subject with which I propose to deal more at length later on in this report.

29. The Board go on to remark (paragraph 29) that if a survey of these "estates be taken in hand next cold weather, it is certain that it will not be possible to conclude the settlement before another two years, when the ward will have attained his majority, and the estate will be released. The litigation, the disputes which must inevitably follow a record-of-rights which shall be binding on all parties, will then be pending, and it is needless to say that the ward will not be in a favourable position to protect his own interests. The Board, therefore, think that no action should be taken on this Ward's estate, and no survey and record-of-rights should be attempted unless it can be brought to completion, and all disputes connected with it settled before the release of the estate. The circumstances of the Mysadal estate, reported on page 8 of the Board's Report on Wards' Estates for 1882-83, afford an excellent illustration in support of this argument. In face of all these difficulties, it does not appear to the Board how action in the proposed direction can be taken."

With reference to these observations, I would remark that having regard to the facts that the survey and record-of-rights of 300 square miles in Mozufferpore was completed in one-and-a-half years; that the record-of-rights of 28½ square miles in Nulchira was completed by a single Sub-Deputy Collector in 14 months, though land tenures were at least as complicated and the difficulties as great as they are likely to be in Dhankoorā; bearing in mind also that one survey party is able to complete the survey of 700 square miles in one season, it is strange that the Board should have supposed that it must take three years to complete a survey and record-of-rights of the

insignificant area of 35 square miles proposed to be surveyed in the present instance. I see no reason whatever to think that the survey and record-of-rights of this area should not be completed in one year, and I do not understand what is meant by "the litigation and disputes which must follow a survey and record-of-rights." Proceedings under Chapter X. of the Tenancy Act must settle disputes, and cannot be followed by them, except in so far as the judicial decision of the settlement officers are appealed against to the special judge. Such appeal must be made within 30 days of the date of the settlement officer's order or decree, and in no case have the proceedings been protracted, or are they likely to be protracted over a series of years in the way suggested by the Board. But, assuming for the sake of argument (and I assume it only for argument's sake) that some disputes were pending decision at the date of the ward's attainment of his majority; and assuming also that the confusion is so great, and the disputes so complicated and numerous, as the Board suppose, what, it may be asked, is the duty of the Court of Wards under such circumstances? Is it to use every legitimate means to put an end to this confusion while the Court has still control of the estates, or, on the other hand, is the Court merely to hold its hand and do nothing, and then is it to make over the estate after years of mismanagement in absolute confusion, because if an attempt is made to clear up this confusion, it is possible that all disputes may not be finally settled, and ideal arrangements may not be made before the ward comes of age. The Government of Bengal has answered this question in paragraph 6 of Mr. Nolan's No. 2419-913 L.R., dated 1st December 1886, to the Board, where it is said, "in the Lieutenant-Governor's opinion the Court should take every legitimate means to break up the system described, and to place the administration of the estate on an equitable footing;" and it is added that neither the fact of the estate being soon to pass out of the Court's management, nor the improbability of the proprietor being willing to keep up the records, justifies the Court in refraining from adopting such measures. The Government of India emphatically endorsed this opinion, and said, "that the Court of Wards cannot be excused for taking no measures to secure an estate from mismanagement in which it is found, on the plea that if Government puts it in order by a map and rent-roll, the ward may not maintain them when he comes into power, for while a rent-roll kept up to date is essential to active management, a rent-roll originally accurate is essential to any management whatever." The Mysadal case quoted by the

Sir E. Buck's No. 209 R., dated 6th August 1888, paragraphs 2 and 4.

Board does not seem to me to bear any analogy to the present case, for while officers engaged in the Mysadal estate had no legal power whatever to settle disputes, or to do anything which the manager of the estate might not have done, and they might, therefore, have been instrumental in raking up disputes which they could not settle, officers proceeding under Chapter X., on the other hand, not only have the power judicially to determine disputes, but are, under the law, bound to do so. Further, the survey operations were abandoned in Mysadal, not because they led to confusion or disturbance, but because the ward was within one year of attaining his majority when the measurement was proposed, and it would, of course, be impossible under the law, as it then stood, to complete the operations during the minority, or to continue the proceedings after the ward had come of age. In the present case there would be no difficulty in completing the settlement operations during the term of the minority, nor in continuing them after the ward comes of age. In agreeing to the abandonment of the survey in the Mysadal estate, the Lieutenant-Governor specially reiterated his full adhesion to the policy of the Government of India in regard to undertaking systematic field survey and record-of-rights in wards' estates.

30. The next estate excluded by the Board from survey is that named by the Collector the Powadih, but by the Board the Sabar estate.

The Board remark: "In the Patna Division it is proposed to bring the Sabar (called by the Director Powadih) estate in Shahabad, the property of Balbhadro Prosad Singh, under professional survey. This is a petty estate taken charge of by the Court of Wards during the past year. The annual rental amounts only to 10,749 rupees. The debts amount to 13,303 rupees. The estate cannot be profitably held under direct management, and it has, therefore, been proposed to let the whole of it on lease. It can afford a manager on 30 rupees a month

a month only. No reason is alleged why it should be surveyed or brought under Chapter X. of the Act. The circumstances above described show that it would be a misuse of the procedure of the Act to apply its provisions to this estate." It seemed to me, that the fact of the Commissioner and Collector having shown this estate as one to be surveyed in accordance with the Board's orders, was sufficient reason for concluding that it fell within the category of those which ought to be surveyed, and it is not apparent on what grounds it is proposed to exclude it.

If it be because it is slightly indebted, it may be answered that the debt is less than a year's rent, and will, it may be hoped, be soon paid off; if it be, because it is proposed to let the estate in farm, it may be answered that it has been repeatedly ruled by successive Governments of Bengal, from Sir George Campbell's time down to the present day, that the fact of its being intended to let an estate in farm, so far from being a sufficient reason for excluding it from survey, is exactly the reverse. Numerous and repeated orders of Government might, I fancy, be quoted on this point; but it will be sufficient to quote the remarks contained in Mr. Nolan's letter of the 1st December, in paragraph 9, of which it is said: "Neither can the consideration that a large part of an estate is let in farm for a term of years apply to the remainder which is managed direct, nor can it have much influence with regard to the portion which is farmed."

"It is notorious that, while villages are thus temporarily placed in the hands of middlemen the greatest extortion is practised on the raiyats, and that the accounts are falsified to the injury of the estate."

It would appear to be a retrograde departure in the management of Wards' estates to let them in farm, as is proposed in this case, because khas management is not profitable, and at the same time to take no steps to secure an accurate rent-roll. It is difficult to see how the farming system of management can be profitable where khas management is not profitable, except the profit be obtained by allowing the thikadar to practise that well-known system of extortion frequently denounced but still practised in Behar. The Board describe this estate as a petty one; but it is in reality nearly as large as that part of the Dhankoorah estate proposed to be measured, which the Board anticipated would take three years to complete.

31. *Tikari Estate*.—The next estate in order which the Board would exclude

from survey and record operations is the Tikari property in Gya, as to which their remarks are, for facility of reference, quoted in the margin.

The Board, it will be observed, are of opinion that no case whatever has been made out for the survey of this property, that the estate is mainly held in farm, and that the rent-roll is on that account a matter of no uncertainty. But the Board here, as in all other cases, ignore the fact that a stage in the

discussion had been reached when it was no longer required to "make out a case" in detail for each separate estate; specific and distinct orders had been issued by the Board defining the conditions under which estates should be surveyed, and all that Commissioners and Collectors were called upon to do was to decide whether these conditions were fulfilled in each particular case. In this instance the present Commissioner, Mr. Boxwell, recommends that a survey of this estate should be undertaken* at once of the villages held khas, and of other villages according as the leases fall in, and presumably he was satisfied that the requisite conditions were fulfilled. It was not, therefore, thought necessary by me, in this or in other instances, to inquire into or to state at length the facts of each case as if no correspondence had already taken place on the subject, and as if the conditions which would justify the undertaking of a survey were being discussed for the first time. Moreover, the Government

* *Vide* Mr. Boxwell's letter, No. 984 R., dated 24th October 1887.

of Bengal and the Government of India had declared in the passages already quoted in this letter, that the fact of an estate having been let in farm ought not to have much influence towards deciding that it should not be brought under survey. It may be added that neither has the Collector nor the Commissioner at any time said that the rent-rolls in these estates are trustworthy, or that certificates based upon them may be issued against the raiyats, but what they have said is that certificates might be issued against the thikadars for the amounts of the demands against the latter. The Board's argument is, that because the estate is held in farm, *therefore* the rent-roll is a matter of no uncertainty; an argument which seems to assume that the demand against thikadars is the same thing as the rent-roll of an estate.

I do not understand that I am called upon to obtain further information from the local authorities as to whether the jamabandis of the Tikari estate are of so trustworthy a character as to justify the Collector in issuing certificates of demand based upon them against the raiyats, on the application of the manager; but, having had occasion to examine some of the jamabandis in these estates during a period when I was stationed in Gya, I may here record my opinion that it would be an abuse of his powers for a Collector to issue certificates upon such rent-rolls as I examined in these and other estates in Gya. Recent inquiries into the condition of the poorer classes have shown that 40 per cent. of the population of this district are so badly off that they are suffering from daily insufficiency of food. In no other part of the country are the people represented to be so wretched, and one of the sources to which this wretchedness and poverty are attributed is the prevalence of the bhaoli system of land tenure, a system which Mr. Reynolds in his note, dated 19th December 1880, condemned as economically bad, and in its results pernicious. "The bhaoli system as practised in Behar," he wrote, "has scarcely a redeeming point. It gives rise to continual oppressions and exactions. Nothing could be better adapted to perpetuate pauperism and to destroy growth of habits of foresight, economy and independence" (Mr. Reynolds' note, page 387, Volume I., Bengal Government Report of 1881 on the Tenancy Bill). What is the duty of a good and enlightened landlord, such as the Court of Wards ought to be, having to deal with an impoverished tenantry, and a pernicious system of land tenure of this kind? Is it to allow the system to continue until disputes and general disorder so manifest themselves as to render it impossible to defer action any longer; or, on the other hand, would it be the duty of such a landlord to endeavour to place the administration of the estate on an equitable footing, by a systematic field survey conjoined with the preparation of a record-of-rights, and during the conduct of these operations to endeavour gradually to introduce a system of money rents?

32. Even the Collector recommends a survey of these estates by the "local staff," according as the leases of villages fall in. But, as was pointed out in my letter No. 453 T.A., dated the 27th April last, the leases of all, or nearly all, of these Tikari estates fall in within the next three years. Whether the "local staff" can undertake a survey and record-of-rights of an area of 546 square miles according as leases fall in, within the next three years, is a question which, in view of the lengthened discussions that have already taken place on

Despatch No. 3, dated 10th May 1887, and elsewhere.

this point, and the decision of the Government of India conveyed in the letter noted in the margin, it seems unnecessary to discuss again. However this may be, nothing can be added by me to what has been already stated in paragraphs 40 to 42 of my No. 390 T., dated 7th July 1886, and by Mr. Reynolds in his note of the 22nd September 1884, wherein he remarked "that there are no revenue officers in these provinces capable of supervising surveys on a large scale." If this be so of the revenue officers of the province generally, how can it be supposed that the survey of an area of 546 square miles can be carried out by a few amins or patwaris under the supervision of the Collector of Gya, or of the Manager of Tikari, who, as far as I know, have had no experience of survey work, and if they had such experience would hesitate to undertake such large operations. Moreover, as already remarked, the Government of India have expressed a decided opinion in favour of having surveys of extensive tracts like this undertaken under professional supervision, and not by imperfectly

imperfectly trained amins, and they have undertaken to pay for the cost of the traverse survey, thus relieving the zemindars of this item of expense (*see* Sir E. Buck's No. 55—65-3 S., dated 14th June 1888, paragraph 3).

33. Past experience of surveys and record-of-rights undertaken under the supervision of the managing authorities of the Court of Wards, point unmistakeably to the conclusion that such proceedings are generally one-sided; that they are used to bring about enhancements of rent which cannot be justified in a Court of Justice; that they stir up disputes which the supervising authorities have no power to settle; that they harass the raiyats, and do not in the end benefit the landlord. The Board in their Report in 1880-81, remarked that they had frequently had to check the tendency on the part of managers to endeavour to raise the rent-roll of properties entrusted to their charge; and it may be added that this tendency has been conspicuously shown in recent instances of estates under survey and settlement operations. In one (Sunkerpore) the Collector has reported that the manager's tendency to seek enhancements was so great that he could not trust him to even obey his orders, and in another (Srinagar) the managing authorities incurred the Board's displeasure by appealing, without the Board's consent, against the settlement officer's decision, to the special judge, in order to obtain larger enhancement than the settlement officer allowed. Where survey and settlement operations are carried out under Chapter X. of the Tenancy Act, the settlement officer is bound to adhere to the law, to allow only of enhancements which are justified by law, and he has no more personal interest in the results, whether they be an enhancement or reduction of rent, than a Civil Court would have. But when, on the other hand, these proceedings are conducted by the manager, he is to some extent judge in his own cause, and in any case has no legal power to decide disputes. Great as is the evil of allowing rent-rolls to remain in chaos, I think that greater evils still arise from the practice of allowing managers of Wards' estates to make use of the power inherent in their position, as public servants under the Court of Wards, for the purpose of carrying out surveys, and then basing upon such surveys what are called amicable settlements of rents. Such settlements are in reality one-sided arrangements in which the raiyats have little or nothing to say. For these reasons I would respectfully ask that the decision to exclude these estates from professional survey and settlement operations under Chapter X. of the Tenancy Act be reconsidered. If they are to be surveyed at all, they should, in my opinion, be correctly surveyed in the same manner as the Srinagar estate in Bhagulpore—that is to say, a traverse survey should be made by the Survey Department, the cost of the traverse skeleton maps being paid by the Government of India in accordance with the orders conveyed in Sir E. Buck's letter, while the "local staff" may be utilised to the fullest possible extent in the field measurements, either under the supervision of revenue or of survey officers. By local staff, I mean the staff of existing patwaris who should be trained to this work, but I am not sure that this is what is meant by the Collector, or by the Board, who probably refer to some imperfectly-trained amins whom the Collector may get together.

34. Before leaving the question of the survey of these important estates, I would remark that, though the greater part of them are let in farm, and though the greater part of such of them as are held khas are held on the bhaoli system, under which little or no arrears of rent should accrue, yet the outstanding rent demand is shown in the Board's last annual report at 4,77,995 rupees, the total annual demand from estates farmed and held khas together being 6,85,485 rupees. This fact does not indicate entire absence of disputes or of confusion in the accounts, and it is further to be noticed that the collections have fallen off within the past as compared with the previous year. It was not proposed, as is stated in Mr. Cotton's No. 2453—1070 L.R., dated 28th July, that action should be taken at once, but at such time as would render it possible to have the estates measured and a record-of-rights prepared before or about the time that the present farming leases expire. It is known to those who have given any attention to the subject that patwaris cannot be organised and properly trained at short notice; but if the skeleton traverse maps are prepared some time in advance, if the existing patwaris are trained to survey in the manner shown to be possible in parts of the Central Provinces, and if each

patwari is allowed to measure at leisure the area included in his own jurisdiction, then the work of survey and record-of-rights can be done at a comparatively small cost.

35. *Narhan Estate*.—The Board go on to remark (paragraph 27) that if the Tikari estate, which has been for a comparatively short time under the Court of Wards, does not afford a proper field for these operations, still stronger reasons exist against the proposal to survey Narhan. "This estate," it is said, "has been under the Court of Wards for 11 years; if the management has been expensive, it has also been efficient, for the manager is the ablest and most experienced officer the Court of Wards was able to procure. Enormous debts have been paid off, and if ever it could be said of an estate under the Court of Wards that it had derived every possible advantage from the Courts' system of management, it would be this. The ward is now 17 years of age. The labours of the last 11 years have resulted in the establishment of order throughout the estate. The rent-roll is settled, and the accounts no longer in confusion. There are financial reasons also against the course proposed. The Court of Wards has at last paid off the debts incurred by the late proprietor. A sum of 42,000 rupees has already been appropriated for the restoration of the estate buildings, and if any money can be saved between the present time and the release of the estate, it seems to be desirable that it should be invested in Government securities and placed to the proprietor's credit. It is always advisable that the proprietors of estates should have some ready money in hand when their estates are released. If they have not, there is a great risk, as experience amply shows, that they will inaugurate their independent career by mortgaging their property, the first step to ruin." In the above remarks, the Board have overlooked the fact that the manager, whom they describe as the ablest and most experienced officer whom the Court could procure, has himself recommended that a survey should be made and a record-of-rights prepared of these estates, that his recommendation is supported by the present

* *Vide* Mr. Halliday's No. 561 G., dated 9th October 1885, paragraph 3, submitted to the Board with No. 390 T., dated 7th July 1886.

Collector and present Commissioner, and was also supported by the late Collector Mr. Price, and the late Commissioner Mr. Halliday.* Further, it will be seen, on reference to the Commissioners' reports, that the rent-rolls of these estates are reported by the manager to be untrustworthy,† and a cadastral survey to be necessary on that account. It would appear, therefore, that if the conditions which were declared to call for a survey and record-of-rights of Wards' estates are ever to be considered as fulfilled, they ought to have been so considered in this instance. The estate has still four years to run before it passes out of the Board's control; a survey of it might be made, and a record-of-rights of it might be prepared in one year; the cost would not be more than 37,000 rupees. The estate had to its credit at the close of last year a cash balance of 67,491 rupees; all debts were reported to have been paid in 1885.

† Commissioner's No. 984 R., dated 24th October 1887, paragraph 4.

Vide Commissioner's letter, No. 984 R., dated 24th October 1887. There is, therefore, no ground whatever for supposing that a survey and record-of-rights would involve the estate in debt, or that the proprietor would, as the Board apprehend, in consequence of such survey, "be forced to inaugurate his career by mortgaging his property, thus taking the first step to ruin." On the contrary, it would appear to be most unjust to the proprietor, after many years of the Court's management, to hand him over an estate with an untrustworthy rent-roll, thus exposing him to the temptation of being driven into litigation with his raiyats, with superabundant funds to enable him to indulge in that litigation. As pointed out by Government, "while it is desirable that a minor should have some ready money when his estate is released, a large amount is likely to be a fatal gift." It can scarcely be said, with a cash balance of 67,000 rupees already in hand, to be supplemented by the large savings that may be expected to accrue within the next three years, that the minor in this case is likely to be in want of as much ready money as is good for him on attaining his majority. It may, in conclusion, be mentioned that I was employed on this estate in connection with the inquiries regarding tables of rates under the Tenancy Act. I carefully examined the rent-rolls of this property, village by village, on the spot, and am able to corroborate the manager's statement regarding their untrustworthiness. I think a collector, in issuing certificates upon such jamabundis, would be guilty of abusing his powers, and

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am of opinion that it will be a very grave misfortune for the minor if the estate is handed over to him without a proper survey and record-of-rights.

36. The only large estate remaining, which was included by me in the list of estates to be surveyed, but excluded by the Board, is that of Begoonkoodar in Manbhoom. This estate, it is said, had been already surveyed by Mr. Slack, and there are no grounds for subjecting it to a second survey. A reference to the Commissioner's report* would have shown that only the unsurveyed portion was put down by that officer for survey, that his figures were merely reproduced in my letter, and that no such unreasonable proposal was made as a survey of the whole or any portion of the estate a second time.

In paragraphs 32 to 39 the Board proceed to discuss the propriety of undertaking surveys and records-of-rights for the smaller wards' estates. "To extend, it is said, the procedure at once to all estates because they are large, solvent, or valuable, which is in effect the recommendation of the Director of Land Records, although he has in some cases recommended its application to estates which are small, insolvent, and poor, is a proposal which the Court of Wards would not think it right to entertain."

37. The detailed examination to which the Board's criticisms have been subjected in the preceding paragraphs has, I hope, shown that in no case has an estate been recommended for survey merely because it was large, solvent, or valuable. But if the fact of an estate being large, solvent, or valuable, is no reason for subjecting it to survey, neither, on the other hand, is the mere fact of an estate being small, a reason for perpetuating mismanagement, and excluding it from survey. The Board would exclude all the minor estates shown in Statement II. annexed to my report, solvent and insolvent, with or without trustworthy rent-rolls, and whether the co-sharers have or have not applied for survey, for no other reason than that they are small.

38. I now proceed with these small, as in the case of larger, estates to discuss each on its merits.

The first of them on which the Board comment is the Malighati Estate in Midnapore, which, it is said is solvent; but there is no other reason why it should come under the operations of Chapter X. (paragraph 31). There is no warrant in the papers for the statement that it is proposed to survey these estates because they are solvent. No such reason has ever been given. They were put down for survey by the Collector and Commissioner in accordance with the instructions conveyed in the Board's resolution. And it is not alone the Collector and Commissioner on behalf of the Court of Wards who have recommended a survey, but it is added that the other co-sharers either have no objection to the survey, or are likely to join in the work; further, this is one of the cases in which the Board itself, and as at present constituted (paragraph 19 of Mr. Cotton's No. 588 A., dated the 12th August 1886), stated "that a survey might be undertaken with advantage."

39. The Board go on to observe: "Mr. Finucane has recommended the application of the provisions of Chapter X. to all estates in Midnapore except Nyagram, but in no case do the Board think that his recommendation should be accepted." Here, again, I have only to remark that in none of these cases were the recommendations mine, but those of the local authorities. A detailed analysis of the circumstances of each and every one of the hundreds of estates, large and small, in Bengal, would protract this letter to intolerable length, and would have swelled my original letter submitting the programme of surveys for five years to gigantic proportions. It seemed to me sufficient that the Board had defined the conditions under which surveys were to be undertaken, and that Collectors might be trusted to apply the principles laid down for their guidance to individual cases. Even now it does not appear that any useful purpose would be served by an examination in detail of the circumstances of every petty estate recommended by local authorities for survey. If, as the Board remark, some of them are in debt, and cannot afford proper management, that circumstance may be a good and sufficient reason for the Court of Wards to relinquish the management; but it cannot justify the Court in continuing to use what the Board characterise as the "tremendous power" of the certificate procedure against raiyats whose rents have neither been admitted by kabulyat, nor

ascertained and recorded by an impartial public officer, and it is only, as the Board observed in paragraph 6 of Mr. Cotton's No. 588 A., dated 12th August 1886, by the exercise of this "tremendous power" that rents are realised by officers of Government with any degree of completeness. I do not propose to enter into an examination of the circumstances of the petty estates of Beraberia, Bhowanipore, Khetrohat, Jamerapal, Belki Turkoa, Bāraatter, and Hinghley, mentioned in paragraph 31 of the Board's letter. It is sufficient to say that the local authorities recommend them for survey in accordance with the Board's orders, that it is to be presumed they were satisfied that the existing rent-rolls are untrustworthy, that they have reported that the other co-sharers are likely to join in the work, that in one case at least the co-sharers, as appears from the Collector's and Commissioner's reports, had actually applied for a survey, asking the Court of Wards to co-operate, that the Board have given no reason for excluding these estates from survey other than that they are small, and further, as already observed, most of them were declared by the Board itself to be eligible for the survey in Mr. Cotton's letter, No. 851 A., dated 14th September 1882, paragraph 9, and again in Mr. Cotton's letter, No. 588 A., dated 12th August 1886. The Nyabassan Estate is introduced as if it had been recommended for survey, when, in fact, no mention is made of it in the list of estates to be measured.

40. With regard to the Courjon Estate in Noakhally, the Board write that any action seems to be altogether impossible. The minor is nearly 18 years of age. The entire surplus funds of the estate are appropriated for the payment of Mr. Bonnaud's claim under the High Court's decree. The estate has been, it is stated, for 14 years under the Court's management; the accounts are in order, the administration is generally satisfactory, and there are no disputes which require the intervention of Chapter X. of the Tenancy Act to adjust.

With regard to these remarks I would invite a reference to Statement II. annexed to the Commissioner's report, from which it will be seen that the Commissioner proposes to survey only that portion of the Courjon Estate, containing an area of 9,554 acres, which was held solely by the minor; and, as appears from paragraph 5 of his letter, that he excluded from survey the properties held jointly with other co-sharers, not because he does not think they should be surveyed, but because the other co-sharers do not agree to the measurements. Further, a reference to Appendix I., annexed to Commissioner's Report, No. 733 W.C., dated 28th November 1885, submitted to the Board with my No. 390 T., dated 7th July 1886, will show that the Commissioner's opinion is, that it is most desirable that these estates should be measured on the ground that the measurements will be advantageous to the estate, as much concealed and excess land will, it is anticipated, come to light. The Commissioner, it is understood, has made proposals by which the debts of the estate will be liquidated, and the expenses of the survey and record-of-rights paid at the same time. Under these circumstances there seems to be no reason why his recommendations should not be accepted.

42. In paragraph 34 the Board point out that the estate of Nayantara Chowdhurani in Chittagong is included by mistake in the list of estates to be surveyed by professional agency. The area, it is remarked, given by me is also a mistake. In the schedule annexed to my original report it is proposed that this property should be surveyed non-professionally. The area, as there correctly given, is 27,333 acres. The figures as to area, reproduced from the Commissioner's Report, are, as pointed out by the Board, apparently wrong; but with reference to the Board's recommendation that the survey of this and of other smaller estates in Chittagong should be left to the local authorities, and to the opinion that a non-professional survey seems to be most appropriate, I would submit that, if, as is likely to be the case, a professional traverse and field survey of the whole district of Chittagong is to be undertaken within the next few years, it would be waste of money to undertake a non-professional survey now, and then to have a professional survey in the same tract later on. But if, on the other hand, a survey is necessary immediately in the interests of the estate, it would be more economical to have a traverse survey made now, the cost of traverse skeleton maps being paid for by the Government

Government of India, and the field survey being carried on under supervision of the local authorities in accordance with the Board's wish, or perhaps the better course would be to leave surveys of wards' estates in this district to be taken up later on as part of the general survey of the district.

43. In paragraph 35 of their letter the Board observe that they are aware of no reason why the provisions of Chapter X. of the Tenancy Act should be invoked in the cases of the estates of Debi Prasad Singh (11,019 acres) and Bhugwant Naran Singh (1,308 acres) in the Pata district.

See Mr. Halliday's letter, No. 592 G., dated 29th October 1885, submitted with my No. 390 T., dated 7th July 1886, and Mr. Boxwell's No. 984 R.T. dated 24th October 1887. Here, again, it is to be observed that the Collector Mr. Quinn, the present Commissioner Mr. Boxwell and his predecessor, Mr. Halliday, all recommended that a survey should be undertaken.

The survey of these estates has never been made, but the rent-roll is alleged to be admitted by the raiyats, and if this be so there is no urgency in the matter.

44. *Rohung Estate*.—It is remarked that no reasons are alleged for the survey of the Rohung Estate in Poree; and unless there are good and sufficient reasons, it does not seem that the proposal to survey petty properties of this nature should be surveyed. The Rohung Estate has, it is added, been under the Court of Wards since 1873. There is no disorder in the accounts, and the collections effected in 1867-68 amounted to 107 per cent. alone. Both the present Commissioner and his predecessor, as well as the Collector and the Collector of 1885, recommended this estate for survey; but, as the rent seems to be realised with punctuality, and as this is the only test by which the Board would decide whether an estate should be surveyed or not, there would, from the Board's point of view, appear to be no objection to the omission of this estate from the list of those proposed to be surveyed.

45. I would not myself, however, narrow down the decision of the question whether a ward's estate should be surveyed or not, to a mere question of punctuality in the realisation of rents. As stated in paragraph 25 of my No. 390 T., dated 7th July 1886, I am unable to comprehend how anything worthy of the name of management is possible without maps and accurate records of the lands to be managed. As indicated in paragraph 29 of the same report, the absence of disputes in the realisation of the rents of an estate is often due not to good management, but to the fact of the zemindari amla having combined with the raiyats to appropriate the proceeds of lands newly brought under cultivation, to the detriment of the estate and loss of the landlord.

No question of the fairness of rents or of the rights of the tenants, or of their protection from fraud and oppression by middlemen, zemindar's amla or others, seems to have entered into the Board's consideration of this matter. But it has not hitherto been understood that the Court's duties in connection with the management of wards' estates ought to be confined to a mere effort to realise rents with punctuality. The Court was also bound to take measures for protecting the tenants from extortion, as well as the landlord from fraud; and it can only discharge that duty by seeing that the amounts of the rents payable by the raiyats are ascertained with certainty, and their rights recorded and respected. It is on the assumption that justice will be done to the raiyats of wards' estates, as well as to the landlords of them, and that these estates will be models of good management (and on this assumption alone), that public officers, like Collectors, Commissioners, and members of the Board, are justified in interfering in the management of private estates; but if such interference is to be confined to the punctual realisation of rents, it is difficult to see what good to the community in general can result from such interference, or on what ground of public policy officers of State can be justified in devoting a large portion of their time, at the public expense, to the management of the private concerns of a few hundred minor, bankrupt, or spendthrift landlords. It has hitherto been the professedly accepted policy to prosecute surveys and records-of-rights of wards' estates, not exclusively with a view to the determination of the amount of rent and the punctual realisation of it, but also with a view to the protection of the raiyats against chicanery and fraud. In all the correspondence on this subject, down to the date of the Board's letter now under consideration, this object has never been lost sight of; but in the Board's letter it seems to have been ignored, and the main consideration by which the Board would seem to settle the question

of survey or no survey of a ward's estate is, are existing rents realised with punctuality, with the aid of the tremendous power of the certificate procedure, and without manifestation of general disorder and confusion. Neither did the Committee appointed in Sir George Campbell's time, nor has the Government of India, nor the Secretary of State, ever hitherto laid down or countenanced so narrow a test as this.

46. The Board point out that they are in the position of trustees of these estates, and on them rests the ultimate responsibility for their management. While admitting the force of this argument, I would invite attention to the consideration that the position of the Board is not that of an ordinary landlord; the Board, as they themselves have remarked, exercise "tremendous power" over their raiyats in the certificate procedure, and they must be held to have correspondingly weighty responsibility to the raiyats, as well as to the landlords of estates in which they have recourse to such powers. It is not going too far to say that the power conferred upon the Court of Wards by the certificate procedure, representing the landlords of private estates, namely, that of issuing against certificates of demand having the effect of decrees of a civil court without inquiry, and on the mere application of a manager of a ward's estate, is a power which does not exist, and would not be tolerated in any other civilised country in the world. The Honourable Mr. Field, in introducing the Public Demands Recovery Bill in the Bengal Council, explained the principle of that Bill thus:—

"There are certain demands, in the nature of taxes, fines, and other dues, in respect of which the only question is whether they have been paid or not, and as to the right of recovering which no question arises. It is in respect of this class of claims that a special procedure is provided."

The proposal to extend this special procedure to the recovery of rents in estates under the management of the Court of Wards was, he admitted, a provision

* Proceedings of Bengal Council, Volume XII., Part I., pages 36—43.

which carried the principle of the Bill to its extreme limits.* Some of the European Members of Council accepted the proposal at the time with misgivings, and the Native Members opposed it, but they were outvoted, and it was specially said by Mr. Dampier, in answer to their objections, "that practically the management of a ward's estate was just as much under the Collector, and what the manager did was as much under his (the Collector's) control as anything done by a tehsildar (of a Government estate)." "The Council," he went on to remark, "was asked to allow the Collector to have summary powers,

as an officer in the position of the Collector had ample means of knowing that the demand was just.†

† Proceedings, Volume XII., Part. I., page 121. Mr. Dampier, it will be remembered, when he said this, was at the same time recommending survey and settlement of wards' estates to be undertaken on the same principles as in Government estates.

47. It thus appears that the certificate procedure was extended to recovery of rents in wards' estates on the special ground that the Collector had the same means, and would adopt the same precautions, for ascertaining that the demand was just in a ward's estate as he would in a Government estate, and even with these safeguards it was admitted that the principle of the Bill was being pushed to its extreme limits. But what are now found to be the facts? The Board lay down one rule for management of Government, and another for the management of wards' estates. They admit the desirability and necessity of surveys and record-of-rights for the purpose of ascertaining the amount of demand against tenants on Government estates, but in wards' estates, as has been shown in the case of the Dhankoorah and other properties, certificates are issued where it is admitted the zemindari papers have been destroyed, and there is nothing to show the justice of the demand; further, this "tremendous power" of the certificate procedure is used, not in realising unquestioned rents, but in realising rents which are strenuously disputed, and in breaking up combinations of the raiyats.

It will be remembered that the certificate procedure throws on the raiyat the onus of proving a negative, namely, that any demand which the manager may choose to make is not just, an onus which is everything where there is no proof on either side.

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48. I need not dwell on the grave abuses brought to light in connection with the issue of certificates in the Government estates of Jellamutha and Majnamutha in the year 1882. In that case maps had been made and records prepared by the aid of which it was rendered possible to discover these abuses and to apply a remedy; but had there been no such maps and no such records, these abuses might have remained undetected until they culminated in general disorder and confusion, or in wholesale abandonment of holdings, such as took place in the Durbhunga estates while under the Court's management. That the issue of certificates on the application of managers of wards' estates, and based on such chaotic jamabandi or other zemindari papers as are ordinarily kept in zemindars' offices, is attended with grave abuses, is a matter on which there can be no doubt. As a recent instance of such abuse of power may be mentioned the case of the Srinagar estates, where though the jamabandi was admittedly in the utmost confusion, the manager caused certificates to be issued against the tenants without ever leaving his head-quarters to inquire into the justness of the claims; yet he opposed a survey, and finally, when peremptorily ordered to go into the mofussil to investigate the correctness of the rent-roll and co-operate with the survey and settlement officers, owing to inability or unwillingness to comply with the order, he resigned or was removed from his appointment. Mr. Reily, writing of Kujong, says:—

“Certificate demands were prepared against all tenants, where the arrear due to them was likely to be barred by the law of limitation. The plaints or demands were signed by the local manager, but the collector of Cuttack not only refused to recognise the local manager, but refused to issue the certificates on the ground that he had no information in his office by which he could satisfy himself that these demands were rightly and properly made. Mr. Henry at the same time intimated to me that he was prepared to issue a certificate if I undertook to sign these demands myself. I did so with very great reluctance, as I was in no better position than the collector as regards information whether our claim against the tenant was a *bonâ fide* one or not. If the truth were told, I had much more reason for refusing to put implicit trust in the papers on which our claim was said to be based than Mr. Henry had; but, under the circumstances, I had no option in the matter. There was no time to lose. Unless the certificates were filed within ten days, the entire amount, over 16,000 rupees, would be barred by the law of limitation. I therefore determined to sign these demands, and they were filed and have been served on the tenants. I am sorry to say that out of the 307 cases instituted, I hear, since my return from Kujong, that objections have been filed in 260 cases. These objections will be carefully gone into by the manager, and he has been distinctly told that in no single case will we press our claim without a careful inquiry, and giving full considerations to any objections made by the tenants. Had it been possible for me to have remained on at Kujong, I would, I feel confident, have been able to come to an amicable settlement in all these cases.”

and again, of the Soojamootha estates, where certificates have recently been issued, I believe, in thousands, he says:—

“I have, on more than one occasion, stated it as my opinion that the papers are in such confusion that it is doubtful whether we should use the certificate procedure to get in arrears which we cannot with certainty state are really due. I am, however, helpless in this matter. Already a large portion of the arrears have been barred by the law of limitation.”

49. In the interests of justice it appears to me to be necessary either to prohibit the issue of certificates in Wards' estates when the correct rentals have not been admitted by kabuliyats or ascertained in the course of survey or settlement proceedings, or to relinquish the management of such estates. As long as recourse is had to the tremendous power of the certificate procedure, by which alone the Board say rents can be realised with punctuality, there is at least as great necessity for surveys and records-of-rights in Wards' as in Government estates, and less justification for recourse to that procedure; for it is manifest that considerations which would justify recourse to a summary method for realising a public demand with punctuality, for the public benefit, even at possible risk of injustice, can have no application to the realisation of rents of a private and often undeserving individual, in whose affairs the public can have no special concern. For these reasons I am of opinion that, unless the authentic rentals of Wards' estates are either admitted by kabuliyats or determined and recorded by an impartial revenue officer, the Court of Wards has no right to exercise the great power conferred upon it by an Act (which was intended for application only to unquestionable claims); in realisation of disputed rents or breaking up combinations of raiyats, when it is admitted that not alone has the

justice of the claim not been ascertained, but everything is in confusion, and the zemindari papers have been destroyed, still less where the claim is manifestly unjust. From this point of view then, the paramount responsibility that rests on the Court of Wards as landlord to see that justice is done, and that its great powers are not abused, it would appear incumbent on the Court, before permitting the issue of certificates, to ascertain and record the true rental in every Ward's estate, and thus to obtain the raiyat's specific assent to that rental, or, if this cannot be done, then it is bound to relinquish the management. The State can have no interest in realising the rents of any particular zemindar which overrides the dictates of justice, and if any zemindar does not choose, or is unable to bear the expenses attendant upon the preparation of such a record, as well as afford a guarantee against the abuse of the Court's power, it seems to me that the Court should say to such zemindar that it will refuse to exercise its special powers in his favour, and leave him or his relatives to manage in their own way. The State is no more justified in identifying itself with perpetration of injustice, through a vicious system of management, because that system may be followed by the owners themselves when they come of age, than it would be justified in permitting the continuance of a poisonous cess-pool because the villagers themselves do not come forward to remove it. The mischief that is done by issue of certificates where the demand has not been correctly ascertained cannot be measured by the number of certificates issued, for one case of injustice done by officers of Government alarms tenants of the whole neighbourhood, and moreover, sets an example of wrong-doing which other zemindars will not be slow to follow.

49.* In the preceding paragraphs the question has been dealt with as one of

"25. I may preface my remarks on this point by stating that, having been myself engaged, I might say almost during the whole of my service, in the management of the largest estates in these provinces, in actual collection of rents and in the conduct of surveys and record-of-rights, more than, perhaps, any officer now or in recent times in the Bengal Civil Service, I do not hesitate to assert that tolerable or decent, not to say efficient, management is not possible in Behar or Bengal without a cadastral survey and record-of-rights of the estates to be managed. So strongly do I hold this opinion, and so patently obvious does its soundness appear to me, that I am totally unable to comprehend how any disinterested person who has ever attempted to manage an estate and himself to collect rents on it in these provinces, without such records, can say that anything worthy of the name of management is possible without them. Indeed, I may add that having frequently discussed the subject with persons of all shades of opinion, I have never yet met any person of practical experience in these matters who did maintain that efficient khas management is possible without such records. On the other hand, I have met very many gentlemen who have had no experience whatever in the management of estates, who, having never made a settlement of an estate, and never themselves collected rent, do not yet hesitate to assert in the most dogmatic manner, a dogmatism born of inexperience in this and other land questions, that there is no difficulty in managing an estate containing tens of thousands of petty holdings without any record or map of the tenures and holdings to be managed. They even go to the length of saying that, having got such maps and records, it is not worth while to expend money in maintaining them correct, or in making proper use of them. They are prepared to admit that in theory it seems impossible and absurd to hope for success in managing an estate without a record of what is to be managed; but yet they, as practical men, allege that they are convinced the thing can be, and is, daily done. Those who have had practical experience of settlements and estate management assert the contrary; but they are told by gentlemen whose acquaintance with the subject is confined to returns and reports, that the experience of individuals counts for nothing neither does the experience and knowledge acquired in other provinces, which the objectors do not care, or have not the patience to inquire into. It is no doubt easier for officials to take things as they find them, and it is not always to the interest of managers to have records available from which their proceedings will be open to close check and control; hence it happens that a system of management has been allowed to go on which is condemned alike by common sense, experience, and by its known and recorded results. In England, where estates are split up into farms consisting of well-fenced and clearly-defined fields, and where all rent-paying lands are included in definite holdings, and the rent of each holding is known, it is of course possible to manage an estate if only a list of tenants and of the amounts of their several rentals is available; but in this country the condition of things is so different in every one of these particulars that a mere list of tenants and of the supposed amounts of their rentals in any one year goes a very little way towards enabling a manager to secure proper arrangements for the management of the estate a few years later.

"26. To begin with, individual holdings do not consist of fields in a compact block within a ring-fence, but of small patches of land containing a few perches each, interlaced with plots forming parts of other holdings, scattered throughout different parts of the estate, and marked off from contiguous plots by two paths a few inches in breadth and half a foot in height. Moreover, almost every estate in this country contains some fallow and waste common pasturage, and other such descriptions of land which are not included in any tenant's holding at the time of initial settlement, but yet are capable of cultivation. Any person may settle upon, and cultivate, such land in large estates without obtaining the previous consent of the landlord, on the tacit understanding that he will pay the ordinary rent. Again, old tenants take up and cultivate such lands, or, conversely, they die or leave the estate, and arable land thus goes out of cultivation and has to be resettled with new tenants. Now, without a map showing the position and area of each plot, it is to me impossible to conceive how a landlord can make any adequate provision for all these changes unless he is either himself to live on the spot and have personal knowledge of each plot, or unless he manages through subordinates who live in the village and are acquainted with all these details, and can be trusted to report them. Hence it is that under the indigenous revenue systems, accounts extending to the details of each plot were maintained by the hereditary village accountant, and were handed down from father to son for generations. It ought to be needless to point out that our Government officers in charge of Government and Wards' estates have not, and cannot have, any such personal knowledge of minute details, nor have they subordinates acquainted with such details who can be trusted to report facts without being subjected to close check and control. Therefore it is that I say it is absolutely necessary that Government officers should be furnished with village maps and records, by which they may be able to check and control their subordinates, if they are to attempt anything more by way of management than the collection of rentals often fictitious, with no better data to go upon than a list, often incorrect, of tenants' names. With a cadastral map in his hand, a Deputy Collector or manager can either go on the spot himself once a year at least, or he can depute a subordinate to see whether land which was fallow at the time the map was prepared has since been brought under cultivation. If so, he can call on the

justice to the parties concerned; but if good management is to be one of the objects of the Court of Wards it is not enough to say that surveys and records-of-rights should be undertaken whenever the interests of justice demand that these operations be set on foot, but they should also be undertaken wherever they are necessary in order to secure good and efficient management. As already stated at length in paragraphs 25 and 26 of my letter No. 390 T., dated 7th July (reproduced in the margin), I hold that a survey and record-of-rights is an essential requisite of anything like good management, and that, apart altogether from the question of issue of certificates, a map and record should either be prepared for every estate of which a map does not already exist, or the management should be relinquished. In this opinion I think I am supported by the opinion of every disinterested person who has had any practical experience of the management of estates in this country, and notably by Mr. Reilly, whom I consider the most experienced, able and efficient manager under the Court of Wards.

Wards. This was the declared policy of the Government of India and of successive Governments of Bengal, and it seems strange after all the correspondence which has taken place on the subject, that such operations should now be spoken of as exceptional measures, only to be undertaken where confusion and general disorder have openly manifested themselves.

occupant for payment of rent, and, if occupancy is not admitted by anybody, he can appropriate the standing crop, or, conversely, if land which was under cultivation at the time when the map was prepared has been reported to have gone out of cultivation by abandonment of the holding, he can verify the fact and make alterations in his rent-roll accordingly. Without a map and record he can do none of these things. All a manager can do by way of management without maps and records, and all that is ordinarily done, is to obtain as best he can a list of tenants and of the amounts of their supposed rentals; he realises these assumed rentals as best he may; if his subordinate rent-collectors fail to satisfy his demands, he brings such pressure as he can to bear upon them; they in turn bring pressure to bear on the raiyats; and the result, as stated in Government Resolution dated 10th October 1884, on the Board's Land Revenue Administration Report for 1883-84, is 'that there is no management, properly so called, beyond the endeavour to collect rents punctually, and there is no organised system of land improvement. The most that can be said is that local officers do their best with the means at their disposal, to be met in some cases with distrust and in others with open opposition.'

50. It is difficult to see what hardship it can be to proprietors of Wards' estates, or what grounds of complaint they can have in being asked to reduce to writing the most elementary facts connected with the management of property, namely the amount of the tenants' rents and the conditions under which they hold their lands. In any other country it would be a truism to say this is the landlord's obvious duty, but in these provinces the enforcement of this palpable duty would sometimes appear to be regarded as unnecessary interference, or even confiscation of vested rights.

51. In the 41st paragraph of their letter the Board comment on my remarks regarding the maintenance of the records. I stated that the maintenance of the records meant nothing more than the correction of the rent roll from year to year, and wrote that in this sense it is difficult to see how the proprietor can help keeping up the records. I cited the experience of Nareedigar and Alapore — parts of the Durbhunga estate, where the records, prepared while the estate was under the Court of Wards, are kept duly corrected by the ordinary rent-collecting staff. The Board, in reply, point out that Durbhunga is still under European management, and cannot be taken as typical of other zemindaris. But the Board offer no opinion on my general statement that the rent rolls must be corrected even by native zemindars from year to year, and this is tantamount to keeping up the records. I cannot imagine what the opposite opinion on this point may be. Is it that a native zemindar takes no measures to correct the rent-roll from year to year; or that he will altogether ignore the rent-rolls prepared under the Tenancy Act. The former is impossible unless we suppose that native zemindars have no regard to their own interests, and the latter is impossible save on the assumption that native zemindars are entirely above the law, and must be permitted to override it. The Board go on to remark that on this, as on other occasions, I have failed to realise the broad radical differences which exist in a zemindari in these provinces when left in possession of its own proprietor, and when brought under the management of the Court of Wards. "Zemindari management in this country," it is added, "is marked by elasticity. The full rental which is entered in the zemindari books may be paid in occasionally, but, as a rule, the zemindar is willing to receive and be satisfied with less than this. The raiyat pays the full rental when he can afford to do so. The zemindar realises from him as much as he can, in favourable years a large amount; in unfavourable years he has to be content with little. In the Court of Wards an altogether different system is enforced. The Court's demand is unbending, and a fixed amount is realised by a rigorous procedure. It is obvious that for the efficient administration of the Court of Wards' system, a survey-settlement and record of rights are useful preliminaries, while it is equally obvious that for the native system of management, the survey and record of rights is comparatively of little use."

I have had experience of the collection of rents and of the actual working of both of the systems described in the passage quoted above, and the Board are mistaken in supposing that I do not sufficiently appreciate the difference between them. It is because I am firmly convinced of the evils, I might say the iniquity, of the former system, and of the expediency and justice of changing it, so far as this is possible, that I would, as suggested in Mr. Nolan's No. 2419—913, dated 1st December, paragraph 6, "take every legitimate means to break up the system" of zemindari management as described by the Board. Agreeing to a large extent with the Board as to the fact of the existence of the system described, I venture to differ from them in the conclusion suggested, if not expressed, that the existence of the system is a reason

for refraining from legitimate attempts to put an end to it. Nothing could be better adapted than the system described "to destroy growth of habits of foresight, economy and independence," and though it may not be possible to put an end to the system for many years to come, that circumstance does not appear to me to justify the Court of Wards in encouraging its continuance, by refraining from doing all it legitimately can in the direction of improving this pernicious system in estates which it has assumed the responsibility of managing.

52. Finally, on the question of maintenance of the records, it is remarked that the records will not, without legislation, be maintained when the proprietors of Wards' estates come of age, and it is added that legislation would be powerless to effect any good. This was not the view held by the Board when a scheme of legislation for compulsory maintenance of records was prepared by me, and submitted to the Board with my No. 767, dated 19th November 1885. That scheme was submitted by the Board to Government, and it was then said that the Bill and rules might, in the Board's opinion, with slight modifications, be made the basis of a satisfactory and workable

* Board's No. 48 A., dated scheme for settlement of the question.* Whether 20th January 1886, paragraph 2. there be legislation for compulsory maintenance of the records or not, there appears to me to be no difficulty whatever in maintaining the records while an estate is under the Court of Wards. The difficulties sometimes raised on this point are, in my opinion, raised only by *amla* or others, who do not want to have the records either prepared or kept up. They are entirely imaginary difficulties. When an estate passes out of the hands of the Court of Wards, as already remarked, the proprietor will, in his own interest, either correct the rent-rolls from year to year, or he will disregard the law and ignore them altogether. It cannot be assumed as a basis of action that the power of zemindars of the present day, in Lower Bengal at least, is such that they can with impunity set aside jamabandis prepared by Settlement Officers acting judicially, whose orders have the force and effect of decrees of a civil court. Arrangements are being made for maintenance of the records through the agency of patwaris in the Sunkerpore, Chooramun, Maldwar, and Srinagar Wards' estates, and in the Government estates of Angul, Banki, in Orissa, through surbarakars and other local agents. Why then should it be supposed that what is possible in these estates will not be possible elsewhere? For my own part I am most clearly of opinion that what is possible "on the right side of the Karamnassa is possible also on the left." In this, as in other matters, where there is a will a way can be found.

53. To sum up, it has been shown—

1st. That the Board were mistaken when they stated that the cost of surveys and records-of-rights already undertaken had exceeded their or my anticipations.

2nd. That they were also mistaken in treating the programme of surveys and records-of-right submitted by me as if it were based on my personal interpretation of the orders of Government.

3rd. That the estates excluded by the Board from survey were set down by local officers for survey in accordance with the orders of the Board and Government.

4th. That the local officers appear to have been right in putting down for survey all or nearly all the properties which the Board would exclude.

5th. That some of the estates now excluded by the Board were formerly recommended for survey by the Board itself, as at present constituted.

6th. That certificates should not be issued in the way in which they are now being issued in many of these estates.

7th. The issue of certificates should not be permitted at all in Wards' estates, save where the demand is undisputed, and the only question is, Has payment been made or not?

54. The Board have not noticed the proposals made in paragraph 29 of my letter for the creation of a trained staff of settlement officers. It has been found that the cost of work done by a lowly paid and incompetent deputy collector in Sunkerpore is more expensive than that of a highly paid officer like

Mr.

Mr. Collin. I would invite attention to this question, on which I have already addressed the Board. It is clear that the system of selecting deputy collectors without training in survey or settlement work, and putting them in charge of survey and settlement operations conducted under the complex procedure of Chapter X. of the Tenancy Act, is one which must lead to mistakes and unnecessary expenditure. It is possible to train a limited staff of settlement officers, but it is not possible to guarantee that any and every sub-deputy or deputy collector, taken at haphazard and put in charge of settlements, will not make serious mistakes which, when brought to light on appeal, may bring unmerited discredit on the law, and on those responsible for the administration of it.

55. Looking to the fact that the programme submitted with my letter of the 27th April has been criticised as an ambitious programme, based on my personal opinions, that I have been said in the preparation of it to have exceeded the limits of the orders laid down for my guidance, and, further, that I am alleged to have made a series of very inaccurate statements. I trust I may, without impropriety, appeal to the Lieutenant-Governor's sense of justice, and ask that this letter may be laid before, and circulated among, the same authorities as was the Board's letter under consideration.

Enclosure 13, in No. 3.

Memorandum by *C. E. Buckland*, Esq., Officiating Secretary to the Board of Revenue, Lower Provinces: No. 649 A., dated Calcutta, the 1st August 1887.

COPY of the following Resolution, with the papers cited in the preamble, forwarded to the director of the Agricultural Department for information and guidance, with special reference to paragraph 11 and to Government Order No. 50 T.—R., dated 20th June 1887, communicated to him with the Board's endorsement No. 578 A., dated 12th July 1887.

Enclosure 14, in No. 3.

RESOLUTION—By the Board of Revenue, Lower Provinces.—Dated Calcutta, 1st August 1887.

READ again—

Letter No. 390 T., dated the 7th July 1886, and enclosures, from the Director of the Agricultural Department, Bengal, to the Board of Revenue, Lower Provinces, on the management of Government and Wards' estates.

Letter No. 588 A., dated 12th August 1886, from the Board of Revenue, Lower Provinces, to the Government of Bengal, on the survey and record-of-rights in Government and Wards' estates.

Read—

Letter No. 58 T.—R., dated 23rd June 1887, and enclosures, from the Government of Bengal, to the Board of Revenue, Lower Provinces, on the above subjects.

Read also—

Memorandum No. 1654—635 L.R., dated 20th May 1887, and enclosures, from the Government of Bengal, to the Board of Revenue, Lower Provinces, on the subject of a programme of survey and settlement work in the Lower Provinces.

The subject of surveys and records-of-rights in Government and Wards' estates has been for some years under consideration, and has been fully treated in 188.

in elaborate reports; the policy of a vigorous prosecution of such operations in these estates has been approved by the highest authority; and at the present stage it appears to be desirable to endeavour, as far as possible, to determine the definite action to be taken. The Board have no wish to add to the correspondence, already voluminous, on the matter; their object in recording the present Resolution is rather to facilitate further progress to actual work by clearing the ground, and for that purpose they consider it important to bring out, as briefly as possible, on the one hand, the principles that have been provisionally decided, and on the other to indicate the points on which further information is required. For these purposes the papers cited in the preamble are circulated to all Commissioners of Divisions, and the Director of the Agricultural Department will be consulted on receipt of their replies.

2. The Government of India, it will be seen, have accepted the conclusions of the Government of Bengal that—

- (I.) There are some 14,000 square miles of temporarily settled estates which ought to be surveyed within the next 12 years for re-settlement of the land revenue.
- (II.) Government estates covering 1,271 square miles require immediate survey.
- (III.) The greater part of the Government estates covering 8,000 square miles will require systematic survey and settlement sooner or later.
- (IV.) Wards' estates covering 2,400 square miles should for the present be surveyed.

In arriving at these conclusions, the Government of Bengal have recorded their opinion that, although it may not be possible to make arrangements for the subsequent maintenance of the records, yet in any case the fact that an accurate record-of-rights and rent-roll have at one time been made out will be an advantage, and that surveys and records-of-rights should be undertaken in Wards' estates, even though—

- (1.) The Wards' estate is soon to pass out of the control of the Court.
- (2.) The next heir to the Ward is not a minor.
- (3.) A portion of the Ward's estate is farmed.
- (4.) The raiyats are likely to strongly object to the measure.

and the Government of India have unhesitatingly endorsed the main portion of this opinion, and taken no exception to the rest of the views expressed.

3. The areas mentioned in the preceding paragraph are situated, as follows.—

14,000 square miles.					8,000 square miles.					
Square Miles.					Division.					Acres.
Angul	-	-	-	900	Burdwan	-	-	-	290,479	
Julpaigori Dooars	-	-	-	1,900	Presidency	-	-	-	109,795	
Chittagong	-	-	-	2,567	Rajshahye	-	-	-	1,436,266	
Orissa	-	-	-	9,000	Dacca	-	-	-	275,520	
					Chittagong	-	-	-	1,396,218	
				14,367	Patna	-	-	-	173,159	
Less Angul	-			900	Bhagulpore	-	-	-	119,823	
					Orissa	-	-	-	742,643	
				13,467	Chota Nagpore	-	-	-	501,574	
										5,045,387

[illegible]

4. These areas require some slight corrections—

In the 14,000 square miles the area of Angul has been entered, and again included in the 1,271 square miles below.

The 1,271 square miles should be 1,292, as in the calculation made by Government, not only the 1,642,880 acres in the district of Chittagong, but also the 13,436 acres in Noakhally were struck out, whereas the last-mentioned area should be included.

In the 2,400 (2,573) square miles there may be some Wards' estates which were included and have since been released, such as, for instance, Basharat Ali Chowdry's estate in Tipperah, Khandari in Burdwan. The areas of the released estates of Ramnagore in Khooldna and Narail in Jessore were not included in the 5,944 acres in the Presidency Division, and there may be other released estates which were also excluded from the areas shown against other divisions.

In the area, 236,473 acres, in the Burdwan Division, the area, 8,628 acres, of the Khandari estate has been included. This was apparently taken in the previous statements as a part of the Burdwan Raj estates, but the latter should have been shown as 2,380,022 acres. The Bengal Government also, in deducting the 2,388,650 acres from the total of 4,026,764 acres entered in Mr. Finucane's report as requiring immediate survey, made no allowance for the khas mehals of the Burdwan Raj, which should have been included in the area to be surveyed, as they were recommended by the Commissioner.

5. The first object now before the Board is to make a programme of the survey and settlement work in (a) Government estates, (b) Wards' estates, to be undertaken in the present and next four years, *i.e.*, in the period of the Provincial Contract. For this purpose Commissioners are desired to reconsider, by the light of the papers now forwarded, the replies which they furnished to Mr. Finucane's circular letter No. 64—72, dated 8th June 1885, and to submit to the Board lists, in the following forms, of the estates in which they now think surveys and records-of-right should be carried out, in each of the five years indicated, placing the estates in order of importance or urgency:—

(I.) Government Estates in which it is proposed to make a Survey and prepare a Record-of-Rights.

Year.	Order.	District.	Name of Estate.	Area (approximate) in Acres.
1.	2.	3.	4.	5.
1887-88 -	-	1		
		2		
		3		
		&c.		
1888-89 -	-	1		
&c. -	-	&c.		

(I.) A.—Government Estates which it is not proposed to Survey, &c.

District.	Name of Estate.	Area (approximate) in Acres.	Reasons why it is not proposed to make a Survey and prepare a Record-of-Rights.
1.	2.	3.	4.

(II.)—Wards' Estates in which it is proposed to make a Survey and prepare a Record-of-Rights.

Year.	Order.	District.	Name of the Ward and Property.	Area (approximate) in Acres.
1.	2.	3.	4.	5.
1887-88 -	1			
	2			
	3			
	&c.			
1888-89 -	1			
&c. -	&c.			

(IIA.)—Wards' Estates which it is not proposed to Survey, &c.

District.	Name of the Ward and Property.	Area (approximate) in Acres.	Reasons why it is not proposed to make a Survey and Prepare a Record-of-Rights.
1.	2.	3.	4.

6. In preparing these lists Commissioners will bear in mind that, as stated in paragraph 4 of Mr. Nolan's letter of the 1st December 1886 to the Government of India, Mr. Finucane had (in his report of the 7th July 1886) adopted the suggestions of Commissioners and Collectors with respect to the estates to be surveyed. As the views of Government had not then been declared, he was obliged to accept the recommendations of the local officers. Many of the reasons, however, given by them for excluding estates from survey and the preparation of records-of-rights have now been practically declared to be untenable, and their proposals must therefore be recast. A leading principle by which they are to be guided in now reconsidering their proposals is, as regards Wards' estates (on which branch of the subject chiefly was there a marked difference of opinion), that enunciated at the end of the second paragraph of Mr. Nolan's letter of 23rd June 1887, as follows: "If an estate does not possess a really trustworthy rent-roll on which a Collector can fairly be asked to make out a certificate of arrears, a survey appears to be necessary before any tolerable system of management can be established."

Commissioners will be at liberty to enter in these lists such estates as (Government) Malinugger and Bucktearpore in Durbhunga, Bolorampore in Midnapore, Tooshkali in Backergunge, Binda Deara in Monghyr, Joypore in Bogra, and (Wards'), not only Hari pore in Dinagepore, Kanika in Cuttack, Tarkea and Malighati in Midnapore, but also the Cossimbazar minor's estates in Tipperah and Moorshedabad, Narhan in Durbhunga, Tikari in Gya, Dhan-koora in Dacca and Mymensing.

Again,

Again, in framing the lists now asked for, not only estates which are entirely the property of one landlord, but also *ijmali* estates should be entered. In respect of the latter, the shares of the different co-sharers should be distinctly stated. This is of importance with reference to Section 101 (2) (a) of the Tenancy Act, for a legal opinion has been given that the expression "large proportion" used therein means the number of Landlords whose interests bear a large proportion to the 16 annas, or whole of the estate. If a ward's interest amounts to an 8 annas share in the estate, there would apparently be no difficulty: but if it is less than 8 annas, then it would be a question whether the Court of Wards could apply for, and Government order, a survey and record-of-rights, unless some or all of the other co-sharers join in the application.

The financial circumstances of each estate should be examined, and in those cases where the views of the Board and Government have been at variance, and a final decision to survey and prepare record-of-rights for the estates has not yet been conveyed to the Board, any considerations bearing on the issue should be carefully stated. It should also be noted in the list (IIA.), Wards' Estates, with reference to the last sentence of the 2nd paragraph of Mr. Nolan's letter of 23rd June, whether it is proposed to release any estate which is not in a position to bear the cost of survey and preparation of a record-of-rights.

A proposition has already been submitted to Government for the survey of the Srinagar-Banaili estates, which are included in the 162,831 acres of the Bhagulpore Division under the heading "2,400 square miles." The 294,726 acres entered for the Rajshahye Division include 92,801 and 91,840 acres of the Chooramun and Sunkerpore estates, respectively, in Dinagepore, now under survey, and 24,556 acres of the Burdhankotee estate in Rungpore, the survey of which has been completed. These estates, Srinagar-Banaili, Chooramun, Sunkerpore, should therefore be entered in the programme of estates to be surveyed this year, together with the Maldwar or any other estates already proposed for survey.

In Mr. Lewis' report, No. 61w., dated 29th April 1886, the Burdwan Raj estates were said to comprise an area of about 2,599,273 acres, and it was added:—

"The greater part of the Raj has been let out in *patni*, *mourasi* leases, and *ijara*, while a very small portion comparatively is held *khas*. The estate has been divided into 3,117 lots, of which 2,519 are let permanently in *patni* and *mourasi*, 57 are under conditional leases, 38 under temporary leases, and 503 lots are under *khas* management."

The *khas* *mehals* are stated to be, generally speaking, unremunerative, as they mainly consist of *patnis* which have been relinquished by the *patnidars*, owing to their finding the holdings unprofitable. The Commissioner of Burdwan should specially direct his attention to the desirability of making a survey and preparing a record-of-rights in the portion of the Burdwan estates managed without the intervention of *patnidars*; and even as regards the portion of these estates held in *patni*, the Commissioner should explain the reasons for originally recommending a survey thereof. He may have reasons with reference to the encroachments by neighbouring proprietors or to improper grants of land appertaining to the estate which led him to think a survey of even this portion also desirable.

7. It will be seen that Government, with reference to the comparative merits of operations (a) under Chapter X., and (b) under Section 90, of the Tenancy Act, have recorded that where a survey has been sanctioned, the method in which it should be conducted may best be decided separately for each case. There is no necessity for Commissioners to discuss this point at present.

8. The Government of India further laid down—

(1) That in the case of temporarily-settled and Government estates, it will be absolutely necessary to keep the maps and records up to date through a local agency trained in the survey and settlement operations;

(2) That for Wards' estates some means must be organised for maintaining a record-of-rights so long as the estate remains under the management of the Government;

(3) That it is of prime importance to train a local agency by which maps and records will be made and afterwards maintained;

and they have therefore ordered a very careful inquiry regarding the condition

of the local agency which exists in the tracts recommended by the Bengal Government for survey and settlement.

The Board therefore desire to have full information with respect to all tracts which the Commissioners enter in the lists now called for, and also with respect to estates, such as Khoorda and Jallamootha and Majnamootha, which have been already surveyed and records-of-rights made therein, on the following points:—

(i) Whether the agency now employed in collecting rents, by whatever name it may be called, can, after training by duly qualified instructors, be employed, under proper supervision, in carrying out the details of the survey and preparation of records-of-rights and subsequently in maintaining them; or if not, then whether a local indigenous agency can be so trained and substituted for that now employed?

(ii) From what sources are the patwaris, gomastas, and sarbarakars now paid?

(iii) (a) Whether they can write? (b) the rules for their appointments; (c) what duties they are expected to discharge, what allowances they receive, whether they perform, or not, the duties expected of them in return for these allowances? and (d) other facts of importance.

9. The question of the practicability of carrying out surveys and preparing records-of-rights in Government and Wards' estates where there are permanent under-tenure-holders, *i.e.*, talukdars and patnidars, between Government and the raiyat, may be divided into two branches—

1st. Where Wards' estates (*e.g.*, Burdwan and Dighaputtea) are let upon patni leases;

2nd. Where Government estates (*e.g.* the Noabad mehal and the Nulchira estates) are settled with talukdars;

and there is a third class of difficulty not included in the foregoing, *viz.*, where Government estates are not held under direct management, *i.e.*, are farmed out for a term of years.

The Board pointed out that, though in the case of patnis the Court of Wards might, under the Tenancy Act, make a survey and prepare a record-of-rights, and, in the case of Government estates settled with talukdars, the rights of all parties might be recorded at time of settlement, yet in neither case could Government interfere without a compulsory law to ensure the maintenance of the record.

It is not easy to deduce from the 10th paragraph of the Government of Bengal's letter of 1st December 1886, the 5th paragraph of Sir E. C. Buck's letter of 6th May 1887, and the last paragraph of Mr. Nolan's letter of 23rd June 1887, what the views of the Local and Supreme Governments exactly are on this question, as they have not been categorically stated. The Board draw the following conclusions from the paragraphs mentioned:—

(1) That *prima facie* it appears to the Government of India that when the Government pays the patwari, no difficulty as to the office and duties of the patwari should occur, which has not been overcome—for instance in the North Western Provinces—or may not be overcome by legislation:

(2) That the Government of India require a fuller explanation on this question, and a reconsideration of the Board's opinion that it is impossible to recommend the survey of estates in which permanent under-tenures exist:

(3) That the Government of Bengal only admit the difficulty (in the way of surveying, and preparing records-of-rights for estates in which permanent under-tenures exist) in respect of land under the Court of Wards, and with particular reference to the patnis in Burdwan estate; and regard the Government of India as not dissenting from this view:

(4) That, with regard to estates not held under direct management, the Bengal Government inquire, with reference to temporarily-settled estates farmed out, (a) whether the kabuliyat (which provides for the maintenance

maintenance of the record) is invariably taken, as required by the Board's rule, from the farmer when a lease is granted; and (b) whether the necessary reports of mutations in the settlement records can in this manner be procured:

(5) That the Bengal Government think it possible to insert similar provisions in leases granted to middlemen on estates under the Court of Wards if such a course be considered desirable.

It appears to the Board that the observations of the Government of India confirm the opinion they expressed, *viz.*, that without a compulsory law, *i.e.*, without legislation, Government cannot interfere to ensure the maintenance of the record-of-rights in estates in which permanent under-tenures exist. With regard to talukdars who are entitled to settlement, the present Board see no reason why, at the time of settlement, they should not be required, as a special condition thereof, to maintain any records directed by authority just as farmers of temporarily-settled estates may be required by the terms of their *kabuliyats*. The Government of Bengal, while concurring with Board as to *patni* estates, make no reference at all to the class of Government estates, settled with talukdars (as, *e.g.*, the Noabad *mehal* and the Nulchira estate), and allude only to the case of temporarily-settled estates farmed out.

10. Under these circumstances the Board propose to formulate the points to be referred to Commissioners as follows:

(1) Whether it is any way possible without legislation to ensure the maintenance of the records-of-rights in *patni* estates, if they are surveyed and settled under the Tenancy Act?

(2) Similarly, in estates held by permanent under-tenure holders?

(3) Whether there is any objection to requiring, at the time of settlement, talukdars entitled to settlement to maintain any records prescribed by authority?

(4) Whether the *kabuliyat* under Clause 1, Section XIV., Chapter V., Volume II., Board Rules, is invariably taken when a farming lease is granted? If so, has it ever been acted on? and if not, why not?

(5) Whether the necessary reports of mutations in the settlement records can in this manner be procured?

(6) Whether it is possible to insert similar provisions in leases granted to middlemen in estates under the Court of Wards, if such a course be considered desirable?

11. It remains to refer to the *patwaris*, whom apparently the Government of India regard as capable of maintaining the record-of-rights, when they are paid by Government, or being made capable by legislation. And the Government of Bengal observe that "in districts where *patwaris* exist, there is a separate means of correcting the record which can there be maintained without the assistance of the farmer, however desirable that assistance may be." This remark was made in connection with temporarily-settled estates, but it would be equally applicable in others. The local Government have also recorded an opinion that, if recourse is had to legislation, the law should require the maintenance of survey records by village officials having no connection with the collection of rent. The Board thought that the managing officer—*canoongo*, *tehsildar*, or whoever might be in charge of a Government estate—should be responsible for keeping the record and the map corrected up to date by noting all changes after actual inspection and local verification, and the Government of India appear to take the same view, as they remark that the advisability and possibility of undertaking the extensive operations now recommended will largely depend on the question whether the agency now employed in collecting rents can be utilised as a permanent subordinate establishment for the correction and maintenance of the records, which agency they also remarked should, if possible, be also employed in the conduct of the survey and preparation of the record-of-rights. Mr. Finucane (paragraph 18) regarded the maintenance of the records as work which ought to be done by the rent-collecting agency, if no other be available. In Behar, where *patwaris* exist, they are, as is well known, nominated and paid by the *zemindar*, and their nomination is sanctioned by the

the collector, except in khas and Wards' estates, where they are appointed by the collector. As only Government khas mehals and Wards' estates are now under consideration; it would appear that patwaris are under the control of Government officers as much as can be required, although in Wards' estates they are not paid by Government.

The Board have again perused Mr. Finucane's interesting report, No. 767, dated 18th November 1885, in which he fully examined the question of patwaris, and submitted the "outlines of a scheme for provision of establishment for maintenance of records of survey and record-of-rights and of village accounts." One main feature of this scheme was that there should be a Government patwari for a defined area, with a canoongo and a Deputy Collector over him. This scheme was devised while the Patwari Bill was pending in the Bengal Council, and its adoption in private zemindari estates would have entailed the imposition of a cess of half an anna in the rupee of the zemindar's rental. The Patwari Bill was disallowed in the Secretary of State's Despatch No. 21, dated 15th July 1886, on the ground of the proposed cess. The scheme alluded to cannot, therefore, be carried out as regards estates which are not under the immediate control of Government. But it seems to the Board, as at present constituted, most desirable that patwaris in Government khas mehals and Wards' estates, if not elsewhere, should be utilised for the maintenance of records-of-rights. If a scheme can be launched for this purpose within the estates specified, its extension would be a matter for future consideration. The director of the Agricultural Department will be desired to consider the question *de novo*, and to submit definite proposals for its solution.

12. The reports now called for from Commissioners should be submitted not later than the 1st October next. The information necessary in order to enable local officers to prepare them is already available in their offices, and there is, therefore, no excuse for delay.

EXTRACT from a Resolution recorded by the Government of India, in the Department of Finance and Commerce, No. 1243, dated Calcutta, the 17th March 1887.

Paragraph 25, Land Revenue.—The amount to be allotted for settlement and survey can only be determined upon a regular programme of work, which it is understood has not yet been prepared. The expenditure in 1885-86 and 1886-87, apart from charges transferred from the Survey of India has been 1·27, and the amount of the Survey of India charges, apart from the survey of Calcutta, is according to the budget estimate, 1·53. Pending further consideration the amount is taken at 2·80.

This does not include the charge for the survey of Calcutta, in respect of which the Finance Committee's proposal was to grant 10,000 rupees a year.

The total estimate is therefore 2·90; subject, however, to the condition that a programme of settlement work be prepared and the allotment altered accordingly.

Enclosure 15, in No. 3.

From *W. R. Lawrence*, Esq., Under-Secretary to the Government of India, to the Secretary to the Government of Bengal, Revenue Department; No. 227—49-5S., dated Simla, the 25th April 1887.

WITH reference to paragraph 25 of the *Resolution by the Finance Department, conveying orders on the future provincial contract with the Government of Bengal, I am directed to state that the Government of India will be glad to receive, at an early date, the proposals of his Honour the Lieutenant-Governor for the prosecution of the survey and settlement work in Bengal.

*No. 1243, dated 17th March 1887.

Enclosure 16, in No. 3.

Memorandum by *W. C. Macpherson*, Esq., Under Secretary to the Government of Bengal, Revenue Department; No. 1654—635L.R., dated Calcutta, 20 May 1887.

COPY, with extract paragraph 25 of the Resolution by the Government of India, in the Department of Finance and Commerce, No. 1243, dated 17th March 1887, forwarded to the Secretary to the Board of Revenue, in the Land Revenue Department, with the request that the Board will be good enough to prepare, in communication with the Director of the Agricultural Department, Bengal, and submit to this Government the programme of survey and settlement work required by the Government of India.

Enclosure 17, in No. 3.

From *H. J. S. Cotton*, Esq., Secretary to the Board of Revenue, Lower Provinces, to the Secretary to the Government of Bengal, Revenue Department; No. 588A., dated Calcutta, 12 August 1886.

IN submitting, for the consideration and orders of Government, the accompanying report by the Director of the Agricultural Department on certain matters connected with the survey and record-of-rights in Government and Wards' estates, and more especially on the points upon which information has been called for by the Secretary of State, the Board believe that it is unnecessary for them to enter upon a detailed review of those paragraphs of the report which summarise the previous correspondence on the subject, and which describe the attempts already made to deal with the question, and the degree of success by which those efforts have been attended. The Board can add little or nothing to the information given on these points in paragraphs 1 to 14 of the report, and in the tabular statements which immediately follow it. The circular letter addressed to Commissioners of Divisions will show that very full inquiries were made, and the replies received are sufficient to indicate the great care and attention bestowed on the subject by the officers who were consulted. The result of the inquiry must be admitted to be unsatisfactory. A large proportion of the estates managed by Government, and a still larger proportion of those under the charge of the Court of Wards, have never been surveyed at all; in most of the cases in which surveys have been made, the measurements have been unscientific and untrustworthy; and in no instance (except perhaps in the Khoorda estate in Pooree) has a proper system been established for the correction and maintenance of the survey records and maps in accordance with the changes which have subsequently occurred. An attempt in this direction has been made in Khoorda, but the settlement of that estate has only recently been completed, and the arrangements for maintaining the record have not been subjected to the test of experience.

2. Mr. Finucane next proceeds to discuss the system proposed for field surveys, village records, and the settlement of rents, and on these points again the Board have only to express their concurrence in his remarks, with the exception of those contained in his 18th paragraph, which they consider open to question. The Board have no doubt that measurements conducted by professionally-trained surveyors will be found to be not only more accurate, but actually cheaper, than surveys by the non-professional agency which has hitherto been generally employed. The Board also entirely agree with Mr. Finucane in thinking that, if a general system of surveys and records-of-rights is to be organised, it should be placed under the charge of a special Department of Settlements and Agriculture, and should not be left to the supervision of the local revenue authorities.

3. The 24th and subsequent paragraphs of the report embody the Director's views on the advantage, and indeed the necessity, of a vigorous prosecution of surveys in Government and Wards' estates, and give an outline of the work which it is proposed to take in hand. The report then suggests the creation of a skilled managing agency, and recommends an increase in the grant now made to the Board for the management of Government estates. Mr. Finucane has entered fully into this part of his subject, and has handled it with much ability. He has given, in the Board's opinion, a satisfactory answer to such objections as he has noticed, and has pointed out very forcibly the evils of the present system, and the advantages of that which he desires to substitute for it. But, while sympathising with the spirit which has dictated these paragraphs, the Board are constrained to add that some of the Director's remarks seem to them to be rather the arguments of an advocate than an impartial summing up of all the considerations which ought to be taken into account.

4. The questions for determination appear to be two in number: *first*, whether it is desirable to institute a general system of surveys and records-of-rights throughout Government mehals and Wards' estates; and, *secondly*, whether such a system, if introduced, would be followed by the beneficial results which the Director anticipates from it. The third question—whether, if it is determined to introduce such a system, the experiment should be tried on the lines which the Director recommends—may, the Board think, be safely answered in the affirmative. But on the other two questions, Mr. Finucane's letter seems to ignore some elements of the problem which appear likely to have a material bearing on the issue.

5. It is important to bear in mind that the principles which the Government desires to establish in the assessment and realisation of its rents differ entirely from the practice and procedure of a native landlord. The Government system is that a tenant's holding is accurately measured, and the lands are carefully classified; a moderate rent is fixed, such as can be paid with regularity in average years; it is expected that this rent will be punctually paid; and payment is enforced by proceedings under the law for the recovery of public demands. Remissions are allowed only when there has been some serious calamity or failure of crop, but in such cases remission is promptly granted, and arrears are never retained on the accounts beyond the period of legal limitation. But this is not the system upon which a zemindar administers his property. His nominal rent-roll is often one which can only be realised in an exceptionally prosperous year: in an average year arrears accrue, but while on the one hand the tenants are not pressed for payment, on the other hand the balances against them are always kept standing on the books. If the landlord wishes to raise his rents, he either levies a cess, or measures the land with a shorter pole, so as to bring out an apparent increase of area. So long as he is on good terms with his raiyats, they are seldom sued for arrears of rent, and cases of ejectment through the court, or of suits for enhancement, very rarely occur. He does not care to know the exact area of a tenant's holding, and still less does he wish the tenant himself to know it. He would rather collect 80 per cent. of his rent-roll, and carry on the balance to the next year, than reduce his rents by 20 per cent. and collect the whole.

6. There can be little doubt which of these two systems is better calculated to encourage habits of thrift, independence, and punctuality, and thus to foster the growth of a self-reliant and substantial body of peasantry. But it is equally certain that the system of the native zemindar is not only the system to which the raiyat is habituated by immemorial custom, but it is also the system which he deliberately prefers. No one who is acquainted with the history of settlement proceedings in Bengal during the last twelve or fifteen years can fail to be struck by the persistent opposition with which Government has been met in its endeavours to enforce the punctual payment of a fixed moderate demand. In the west and in the east, in the north and in the south, in Pooree and Chittagong, in Bhootan, Dooars and in Midnapore, the result has been the same. It has thus far been in vain that assessments have been made with scrupulous care, and that rents have been fixed with studied moderation

moderation ; it is in vain that raiyats have been told that the fruits of their labour will be secured to them, and that the payment of a specific sum on a specific date is all that will be demanded from them in return for fixity of tenure and freedom from illegal exactions. It is only by the exercise of the tremendous power which the certificate procedure puts into the hands of the officers of Government that rents are realised with any degree of completeness and punctuality.

7. If the zemindar at one end of the chain, equally with the raiyat at the other, is thus wedded to the traditional system which custom has consecrated, it is hardly necessary to add that all the intermediate agents of the landlord are deeply interested in upholding it. The naib, the tehsildar, and the gomasta would find their power and their profits alike curtailed if the native method of management were displaced by the Government scheme of administration. At present the uncertainty in which everything is involved enables them to fleece both parties with little risk of detection. The zemindar is indifferent so long as he is supplied with sufficient money for his need ; the raiyat is patient so long as he is not too oppressively burdened.

8. The difficulties which have been experienced are not such as ought to deter the Government from the steady prosecution of a system which is calculated to contribute equally to the elevation of the national character and to the establishment of agricultural prosperity on an enduring basis. But the feelings and habits of a people are not easily changed ; and success in this case is not likely to be achieved till after many years of continuous exertion and temporary disappointment. In its own estates Government can do much ; it can afford to wait, it can sow the seed and foster its growth, and look forward to the day when it will be able to reap the harvest. But the case is different as regards estates which are only under the charge of Government for a time, such as the estates which are administered by the Court of Wards.

9. Mr. Finucane believes that if a Ward's estate were surveyed, and a record-of rights prepared, it would be possible, without any legal sanction, to induce the proprietor to continue, in his own interest, the necessary arrangements for keeping up and maintaining the record. The Board do not share this anticipation. The time may come when such a result may be looked for ; but the experience which Government has gained in the management of its own estates does not justify us in saying that it has yet arrived.

10. It is only in exceptional cases that an estate is under the Court of Wards for a sufficient time to allow the system which Mr. Finucane advocates to be thoroughly organised and effectually worked. The first two or three years of management have generally to be devoted to putting affairs into some kind of order, clearing off irrecoverable balances, and liquidating debts. The survey and the preparation of the record would take two or three years more. In many cases the minority would be drawing to a close before the system was fairly set on foot. And even if we suppose the arrangements to have been established for some years, and to have been worked with a fair measure of success, it cannot reasonably be expected that the proprietor will have either the wish or the power to keep them up. He will share the feelings, not to say the prejudices, of the class to which he belongs : he will find the new system unpopular with the raiyats themselves ; the members of his own family, and the dependants and hangers-on who surround every landlord of wealth and position, will use their influence to induce him to revert to the old method ; and he will find himself deprived of the power, which was the main element in the success of the scheme under the Court of Wards,—the use of the certificate procedure. He will find it easier, more popular, and (for the time being) more profitable, to let things fall back into the old groove than to engage in a struggle in which every one's hand will be against him. The subject was discussed at some length by the Board in the 16th paragraph of their Report upon Wards' and Attached Estates for the year 1882-83, in connection with the proposed survey of the Mysadul estate in Midnapore, which was then the largest property under the administration of the Court. The Board desire to refer to this passage of their report as illustrating the views which a native landlord and his tenants may be expected to take of this question. It was eventually determined, with

the concurrence of Government, that the proposal for the survey of the Mysadul estate should be abandoned.

11. The Board are therefore led to the conclusion that, though in some estates under the Court of Wards the length of time for which the estates are likely to be held may justify proceedings for a survey and record-of-rights, such proceedings should not be taken under the belief that their effect will continue after the Court has surrendered charge of the estate. But if this conclusion is correct, it must follow that the prosecution of surveys and records of rights should not be *generally* undertaken in estates under the charge of the Court of Wards. It will be necessary to take into account the special circumstances of each estate, and to consider whether the time which will elapse before an estate passes out of the charge of the Court will be sufficient to produce an adequate return for the expense and trouble which the preparation of the record will involve. It is clear that considerations of this kind will largely reduce the number of the estates which are indicated in the Director's letter as suitable for the experimental trial of the new system. For example, Mr. Finucane instances the Narhun estate in Durbhanga as one in which a professional survey party should immediately be employed. But the minor proprietor of Narhun is in his fifteenth year, and the Court of Wards would not be justified in incurring the expense of surveying the estate and of preparing and keeping up a record-of-rights if there were reason to believe that at the end of six or seven years the expenditure would be found to have been fruitless, and the records would be no better than waste paper.

12. This then, is one of the main points in which the Director's report seems to the Board to fail in appreciating the true conditions of the question. The report assumes, not merely that the landlord will be guided by motives of self interest, but that he will take the same view of his own interest as is taken by the Director himself. Mr. Finucane remarks in the 37th paragraph of his letter :—

“ For the reasons stated in the preceding paragraphs, I am of opinion that surveys and records-of-right should be undertaken in estates managed by Government or the Court of Wards to a much larger extent than has hitherto been done, not necessarily or ordinarily as a means of enhancing rents, but as a means of ascertaining existing facts, and as being an essential and indispensable requisite of good management. I think that such surveys and records, costing as they do, when conducted on the most approved methods by professional parties, not more than a sixth part of one year's rent, are, for the attainment of these ends, more than worth the outlay involved in them, apart from all possibility of enhancements; and that leaving enhancements entirely out of consideration, they would recoup any landlord manifold by furnishing him with records on which he may sue for his rents with certainty and realise them with facility.”

Such an argument as this, when applied to zemindari estates, seems quite to ignore the possibility that the landlord may not care to ascertain existing facts, and may not have the smallest desire to sue for his rents. But it is notorious that this is not merely a possibility, but an actual representation of the existing state of things. Statistics show that 62·5 per cent. of the rental of the Lower Provinces is paid amicably by the tenant to his landlord, and that only 7·5 per cent. is realised, or attempted to be realised, by legal process. In fact, rent litigation is almost confined to a few of the Eastern Bengal districts. Throughout a large part of Behar 96 or 97 per cent. of the rental realised is recovered without the intervention of the courts.

13. It will be gathered from what has been said above that the Board are of opinion that the area within which survey operations can usefully and justifiably be conducted will be found to be much more limited than the Director's report assumes it to be. In his 38th paragraph Mr. Finucane mentions an area of more than four millions of acres in Wards' estates as recommended by Commissioners for survey. But if we exclude all estates which will pass out of the charge of the Court of Wards in the course of the next ten or twelve years, this area will be greatly reduced. There is, however, another consideration, which applies equally to estates the property of Government and to those managed by the Court of Wards, which must be taken into account in estimating the extent to which survey operations can profitably be carried out, and this consideration appears to the Board to be entirely ignored in Mr. Finucane's report.

14. The

14. The system sketched in the report assumes that the estate is to be surveyed, and the holding of every raiyat to be accurately measured; that a record is to be prepared, showing the status of each raiyat, the area of his land, and the rent he is required to pay; and that this record is to be periodically corrected and brought up to date by an agent, who is to go over the ground, field by field, with the maps and papers in his hand, and who is to note and verify, in the presence of the parties concerned, all changes which have occurred since the last inspection. But it is clear that this system assumes a state of things in which the zemindar deals directly with the raiyats, and no middleman or tenure-holder is interposed between them. But in what proportion of estates does such a condition exist? In the two largest estates now under the Court of Wards—Burdwan and Dighaputtia—the greater part of the property is let upon patni leases. Under the Tenancy Act the Court of Wards can make the survey and prepare the record; but without a compulsory law how is it possible for the Court to ensure that the record shall be maintained? The Court has no power to send its agent round to note the changes and correct the maps; and where is the probability that the patnidars will undertake the duty? The same difficulty will be felt in estates which are the property of Government. Mr. Finucane speaks, in his 41st paragraph, of the necessity of undertaking the settlement of 1,600 square miles in Chittagong. But it is difficult to imagine that he supposes that, in the Noabad mehal in Chittagong, it will be possible for the Government, without the aid of a special law, to carry out such a system of maintaining the record as he recommends. In the Noabad mehal the Government is the proprietor; but in the greater part of it the talukdars are entitled to settlement, and the settlement will probably be made for 30 years. At the time of the settlement the rights of all parties concerned will no doubt be ascertained and recorded; but the Government will have no further power of interference. By what agency is the record to be maintained?

15. From these considerations it appears to the Board to follow that the picture drawn in the report of the scale upon which these operations should be organised and carried out is greatly exaggerated. It is true that Mr. Finucane, after remarking that an area of more than 16,000 square miles in khas mehals and Wards' estates still remains to be measured, adds that it would probably be going too far to say that all estates should be measured regardless of special conditions. But the report evidently assumes that the great majority of estates will be surveyed, and that arrangements will be made for the maintenance of the records in all estates in which a survey is carried out. The Board, on the other hand, are inclined to think that the proportion of estates in which such arrangements will be found possible is comparatively small, and that in many cases in which they might be practicable they would not be expedient.

16. It will of course be understood that, in saying this, the Board do not express any doubt of the propriety of making a record-of-rights whenever a settlement of land revenue is made. It is undoubtedly the duty of Government to make such a record, whether it is subsequently maintained or not; and it may be freely admitted that the usefulness of the record would be greatly enhanced if steps could be taken for its effectual maintenance. But, in the absence of any such provisions as were embodied in the Patwari Bill now before the Bengal Council—provisions which, it is now understood, the Secretary of State will not sanction—the Board do not see how the record can be maintained by Government, or what likelihood there is of its being maintained by any other than Government agency. That it will be voluntarily maintained by landlords in their own interest the Board do not for a moment believe.

17. In considering the extent of the work to be taken in hand, it seems necessary to make a clear distinction (which the Director's letter does not always preserve) between estates which will shortly come under settlement, and in which, consequently, a survey will have to be made, and a record-of-rights prepared, and estates in which the preparation and maintenance of a record-of-rights is proposed as a necessary element of efficient management. Some estates, but only a few, will be found to fall partly within one of these classes and partly within the other.

18. Taking the better class of cases first, and distinguishing them into estates the property of Government or under Government management, and estates under the charge of the Court of Wards, it appears to the Board that there are very few (if any) Wards' estates in which it would be desirable to undertake a professional survey, and to prepare and keep up a record-of-rights as a means of efficient management of the property. The Director, in his 39th paragraph, has suggested four estates, but the Board doubt whether any of these would be found suitable. The heir to the Srinagar estate is in his sixteenth year, and the property will soon pass out of the hands of the Court. The Cossimbazaar ward is in his tenth year; but there is reason to apprehend that a survey would be strongly opposed by the tenantry. The circumstances of the Narhun estate have been noticed in a former paragraph of this letter. There remains the Tikari estate—a splendid property—the owner of which is a child, only three years of age. But the next heir is not a minor, and if the infant proprietor were to die the estate would have to be given up at once. A large part, moreover, of the property has been let on farming leases for terms of years.

19. It would no doubt be possible to fix upon estates to which these objections would not apply, such as Haripore in Dinagepore, Kanika in Cuttack, and Turkoa and Malighati in Midnapore. All these are estates in which the lands are under direct management, and which are likely to remain in the hands of the Court of Wards for many years to come. But there would be no economy in employing a professional party upon the survey of such properties as these. If the scheme proposed by the director is carried out by the organisation of a trained survey department, which will be able to prosecute surveys on the departmental system, but without the expensive supervision of professional survey officers, the survey of these and of similar estates might be undertaken with advantage. But with the agency now available it would be found to be more for the interest of the Wards that nothing further should be attempted than measurements under Section 90 of the Tenancy Act. Such operations have been successfully carried out in the Chanchal estate in Maldah, and are now in progress, with every prospect of success, in the Chooramun estate in Dinagepore, and in the Burdhankotee estate in Rungpore.

20. Such unassuming proceedings of course contrast unfavourably with the pomp and circumstances of a professional survey under Chapter X of the Tenancy Act, heralded by a Government notification, and carried out with scientific accuracy. The measurements probably contain a considerable percentage of error: no maps are prepared, and the record is very imperfectly maintained, or perhaps is not maintained at all. But for the purpose for which they are undertaken, these operations are of much practical use. They show, with a fair approach to correctness, the areas of the tenants' holdings and the existing rents, and it is found that the raiyats are usually willing to agree to a reasonable enhancement. The rent-roll is substantially increased, and there is no opposition to the collection of the new jamas.

21. It should be remembered that a professional survey party is able to complete 800 square miles in the course of a working season, and that, if this area is completed, the work of survey and settlement can be done for about 8 annas an acre, or possibly for even less than this. But it is not to be supposed that half the area could be done at half the cost. The expense per acre would be greatly increased if the party were employed upon an estate with an area of only 100 square miles; and there are not many Ward's estates which are so large even as this. It may be added that the employment of a professional party implies that a continuous tract of country can be taken in hand. But a Ward's estate is not a compact property, enclosed in a ring-fence. It consists of a number of separate mehals, often scattered over three or four different districts. It is not apparent how a professional party could take up piecemeal work of this kind—at any rate without a large addition to the cost of the operations.

22. If, therefore, it is the object of the Director's report to recommend that these estates should be surveyed under Chapter X. of the Tenancy Act by parties of the professional survey; that maps and records-of-right should be prepared;

prepared; and that establishments should be organised for keeping up the record by periodical field inquiries and corrections, the Board are not sure that they are in a position to indicate a single estate now under the Court of Wards in which it would be for the interest of the Ward that such operations should be taken in hand. The estates are not suited, either by size or by situation, for survey by professional parties; the record could not be maintained, in the manner proposed, over those portions of the estates which are in the hands of farmers or tenure-holders; and the Board are convinced that, as soon as any estate was released from the charge of the Court, the system would be abandoned, and the record would be allowed to become useless.

23. But, even if all estates under the Court of Wards are excluded from the list, the Director's report shows that the area of the Government estates which are recommended by the Divisional Commissioners for survey amounts to little less than two millions of acres. In this respect there is some difference between the figures given in paragraph 9 and in paragraph 38 of the report; but, whichever of these tables we adopt, it is clear that these estates afford an ample field for the trial of the system which Mr. Finucane proposes to establish. Many of the objections which have been noticed in the preceding paragraphs do not apply to these properties. The lands are in general compact and well-defined: it is in the power of Government to keep the estates in its own hands as long as it pleases: and it is its duty to make them models of efficient management, and to educate the tenantry to a due appreciation both of their rights and of their obligations.

24. It must, however, be repeated that, so far as the maintenance of the record is concerned, the scheme can be carried out in its entirety only upon those estates in which the Government, in its capacity of landlord, is brought into direct relations with the cultivating raiyats. For example, the large estate of Nalchira in Noakhally is about to be brought under settlement, and a notification regarding it has been published under Section 101 of the Tenancy Act. Government is the proprietor, but the entire estate consists of two permanent taluks, and the talukdars are entitled to settlement. At the time of settlement Government can record the rights of the raiyats, but it will have no power to interfere subsequently. Similarly, the estate of Meercha Dear in Rajshahye, the settlement record of which has just been completed, is in many respects very suitable for carrying out such a system as Mr. Finucane recommends. But Government is under a promise to grant a farming lease of this estate for a term of 20 years: and if the estate is farmed the record cannot be maintained by Government, and will certainly not be maintained by the farmer unless he is compelled to maintain it by law, or by special agreement. On the other hand, there are some estates in which Government itself is in the position of a permanent tenure-holder, as in the villages of Malinuggur and Bukhtearpore in the Durbhunga district. Government is not the proprietor of these villages, but holds them under a mukurari lease, and collects its rents directly from the raiyats. Such properties come within the scope of Section 101 (2) (c) of the Tenancy Act, and a record of rights might be prepared and maintained by Government.

25. In those estates and tenures in which revenue and rent are collected by Government directly from the raiyats, the Board are strongly of opinion that the system recommended by the Director should be fully carried out. As examples of such estates it may be sufficient here to mention Bolarampore in Midnapore, Tooshkhali in Backergunge, Bindra Deara in Monghyr, the Jeypore estate in Bogra, and several of the estates which are classed as raiyatwari tracts. To employ a professional party on the survey of such estates would be somewhat expensive, as the professional survey cannot work economically except over a large area; but it is essential to the success of the scheme that the measurements should be accurate, and unless complete accuracy can be secured by the use of other agency, the Government should not shrink from incurring the cost which a professional survey would involve. The record having thus been prepared, the managing officer, canoongo, tehsildar, or whoever may be in charge of the estate, should be responsible for keeping the record and the map corrected up to date, by noting all changes after actual inspection and local verification.

26. The present system, or want of system, is graphically described and justly condemned in the Director's report. All that the managing officer ordinarily tries to do is to collect, to the best of his power, what he supposes to be the revenue demand; but he has no means of ascertaining what the real demand is. His rent-roll contains a number of obsolete entries against the names of raiyats who have abandoned their holdings, or whose lands have been washed away, and these fictitious amounts have first to be shown as arrears, and then to be remitted. On the other hand, no credit is taken for fresh lands brought under cultivation, and not previously included in any holding. A raiyat either gets such lands for nothing, or possibly he pays a small bribe to the tehsildar: but the rent of the land is not brought on the rent-roll of the estate. This goes on for a number of years, during which the rent-roll becomes more and more an inaccurate representation of the real state of things; the estate is then resurveyed and resettled; the rent demand against almost every raiyat is suddenly and violently changed; there is much discontent, and, perhaps, some organised opposition; the Government finally consents to make some abatement from a demand which in itself is perfectly equitable; and then the cycle of error and confusion begins again. Even in the rare cases in which attempts are made to correct the record, the reports of the Commissioners are sufficient to show that the work is done so imperfectly, and with such an absence of system, as to be of no practical use.

27. The objections urged by the Commissioner of Rajshahye, which Mr. Finucane has thought it necessary to combat at much length in the 33rd and following paragraphs of his report, seem to the Board to be founded on some misapprehension of what is intended to be done. At the time of settlement, when the record is prepared, a specific rental will be fixed for every raiyat's holding, and this will not be enhanced (in the case of occupancy raiyats, who form the great majority) for a term of 15 years. A raiyat will not be liable to any increase of rent on account of his cultivation of fallow or waste lands included in his holding. But every estate contains a certain proportion of culturable land not included in any holding. No raiyat should be permitted to occupy this land (whether as a new settler or by way of addition to his holding) without permission and a definite agreement. One of the principal duties of the officer in charge of the estate will be to account for this land, and to show either that it is still unoccupied, or on what terms its occupation has been allowed. The revenue demand of an estate under direct management will vary, not merely from year to year, but almost from day to day; and all these fluctuations should be shown in the records and maps as they occur, and should not be left to be entered when the time for re-settlement comes round. In fact, as regards such estates, it seems a mistake to conclude a settlement for any specified period; and the Board have for some time adopted the practice of not fixing any term of settlement, but of simply directing that the estate shall be held under khas management till further orders.

28. The question of selling such Government estates as are inconvenient or unprofitable to manage has been so recently before the Government that the Board are somewhat reluctant to revive it now. But they think it right to represent that, in their opinion, it is not for the public benefit that any estates should be retained which cannot be managed upon the principles indicated above. A khas mehal is not to be looked upon merely as a means of adding to the land revenue. The system of Government management is upon its trial, and it is important that its success should not be endangered by its application to estates upon which it cannot be efficiently worked. It would probably be better that the number of Government estates should be limited to four or five in each district, of an area and rental sufficient to make their influence felt, and that all smaller estates should be disposed of after settlement.

29. Upon this part of the question it may be convenient to summarise the following conclusions which the Board desire to submit as expressing their opinion of the policy which Government should adopt:—

(a.) In managing a Government estate, the object should be to fix a light assessment, and to insist on its being punctually paid. But it is of no use to do one of these things without the other. It is a misaken policy
to

to assess the land with the moderation with which Government assesses it, and then to collect the rent with the laxity with which a native landlord collects it. It should be clearly understood that the two systems cannot be reconciled, and that if the Government elects to restrict its demand to a rental which can, without difficulty, be regularly paid, it ought to insist upon regular payments being made.

(b.) Upon its own estate it is in the power of Government to carry out this principle. But it cannot, in the present state of public opinion, be carried out in estates under the Court of Wards, because it is certain that as soon as any estate passes out of the charge of the Court the proprietor will revert to the native system.

(c.) To enforce the Government system, it is essential that the demand upon each tenant should be precisely ascertained. This can only be done by preparing a record-of-right, and by correcting the record to correspond with any changes which may occur in the amount of the demand.

(d.) The mere profit to be derived from an estate is a consideration of secondary importance, and it is therefore desirable that Government should withdraw from the position of proprietor in respect of any estates which cannot be thus managed.

30. The Board has thus far written of those estates which should be surveyed with a view to their permanent management by Government on a system which will admit of the maintenance of the record-of-rights in the manner proposed by the Director. It remains to notice the other class of cases referred to in the 17th paragraph of this letter, estates which will have to be surveyed in connection with the settlement of their land revenue. The most important of these estates are the temporarily-settled mehals in Orissa, the Noabad mehal in Chittagong, killah Angul in Cuttack, the Western Dooars in Julpigoree, and pergunna Pataspore in Midnapore. All these will have to be taken in hand in the course of the next few years; in the first and last the proprietary right belongs to private zemindars, the other three are the property of Government. The only one for which immediate arrangements are necessary is Angul, the settlement of which will expire in 1887.

31. All these estates should, in the Board's opinion, be surveyed by professional parties. With regard to Angul, the Board some months ago recommended to Government that the survey and settlement should be entrusted to a Deputy Collector. But this suggestion was made at a time when it did not seem likely that a professional party would be available for the work; and the Board were also influenced by the consideration that the cadastral and settlement work, in such a tract as Angul, would proceed more smoothly in the charge of a Civil Superintendent. If it had been determined to continue the survey of Mozufferpore, the Board would certainly have thought it desirable that all the available strength of the professional department should be concentrated upon the work in that district. But, as the Mozufferpore survey is to be closed, the Board are now disposed to recommend that Colonel Barron's party should take the survey of Angul in hand, and this arrangement will have the advantage of securing an accurate survey of the external point which is of some importance, as the boundary is continuous with that of the Tributary Mehals.

32. The settlement of the Julpaiguri Dooars will expire in 1891, and the settlements in Chittagong will commence in 1892. The Tenancy Act does not apply to Julpaiguri, and the re-settlement of the Dooars does not seem likely to present any special difficulties. In Chittagong the settlement of the Noabad lands (including the Joynugger mehal, which was settled by Sir H. Ricketts for 50 years) will involve a mouzawar survey of the entire district. This is not the place to enter into details, but it may be stated generally that the work will be of an extremely arduous and complex character. In Orissa the settlements of 5,606 temporarily-settled estates will expire in 1897. The current settlement of pergunna Pataspore has already expired; but, on the recommendation of the local officers, the Board have proposed to Government that it shall be allowed

to continue for a further term of five years. If this recommendation is approved, the re-settlement will take place in 1891. These five—Angul, Julpaiguri, Chittagong, Orissa, and Pataspore—are the most important cases; but, in addition to these, other settlements of more or less difficulty and magnitude will fall in every year.

33. These remarks will make it clear that, even if estates under the Court of Wards are left entirely out of consideration, there will be ample scope for the operations of the Department of Settlements and Agriculture which Mr. Finucane desires the Government to establish. In dealing with this portion of the report, the Board have only to express their entire concurrence in the Director's proposals. The creation of a trained managing agency, the utilisation of the Cirencester students in the service of Government or of the Court of Wards, the increase of the grant made for the management of Government estates, are all suggestions which the Board earnestly desire to commend to the favourable consideration of Government.

Enclosure 18, in No. 3.

From *P. Nolan*, Esq., Secretary to the Government of Bengal, Revenue Department, to the Secretary to the Board of Revenue, Land Revenue Department; No. 58T.—R., dated Darjeeling, 23 June 1887.

WITH reference to Mr. Cotton's letter No. 588A., dated the 12th August 1886, and its enclosure, I am directed to forward copies of the papers noted on the margin, and to invite attention of the Board to the remarks therein contained, on the subject of the survey of Government estates. I am to request that the view expressed by the Government of India, particularly the statement that it is the duty of Government to make such estates models of efficient management, and to educate the tenantry to a due appreciation of their rights and obligations, may be borne in mind when framing, in consultation with the Director of the Agricultural Department, the programme of surveys called for in this office memorandum No. 1654—635L.R., dated the 20th May 1887.

Letter to the Government of India.
Revenue and Agricultural Department.
No. 2419—913 L.R., dated the 1st
December 1887.

Letter from the Government of India,
Revenue and Agricultural Department,
No. 209—68-2R., dated the 6th May
1887.

2. I am also desired to ask the Board to make a similar programme for the survey of estates under the management of the Court of Wards. It is understood that the arrangements for the survey of the Srinagar estate, in conjunction with the property of the Raja of Banaili, are in progress, and that the work will require the services of a survey party from the commencement of the cold weather. In paragraph 19 of their letter, the Board intimate that there are estates to the survey of which there is no objection, as Haripore in Dinagepore, Kanika in Cuttack, Turkia and Malighata in Midnapore. The Lieutenant-Governor wishes that special attention may be directed to the portion of the Burdwan estate managed without the intervention of patnidars, as there is reason to believe that its survey is much needed. With regard to the other estates specified in their letter, namely, Cassimbazar, Nurhun, and Tikari, the grounds given by the Board for considering that surveys should not be undertaken, do not appear to be sufficient. The statement that there is reason to suppose that a survey would be strongly opposed by the tenantry of the Cassimbazar estate is not in itself conclusive. The impression that such opposition would be raised is apparently derived from a letter from Baboo Bogala Nanda Mukerji, the manager, No. 696, dated the 11th August 1885, printed at page 130 of the report of the Director of the Agricultural Department, No. 790T., dated the 7th July 1886. The manager advances as his reason for anticipating hostility the consideration that the raiyats possess more lands than they pay rent for, and no doubt under such circumstances they might regard the prospect of resettlement with aversion; but it does not follow that steps should not be taken to assess the excess lands in the interest of the estate. It is, moreover, by no means clear how the manager knows what lands the raiyats hold

hold, or for what lands they pay rent, as it appears that no trustworthy records on the subject have been preserved. The principle indicated by the Board as a reason for not surveying the Nurhun property, that no survey should be made of estates unless they are likely to remain under the management of the Court for ten or twelve years, because as soon as the proprietor attains his majority the records will be no better than waste paper, did not commend itself to Sir Rivers Thompson, and has not apparently been accepted by the Government of India. A survey and record-of-rights under Chapter X. of the Bengal Tenancy Act is binding in the case of occupancy raiyats, who form the bulk of the tenantry, for fifteen years, and even after that period has expired, must form the basis of all subsequent arrangements. Still less can the consideration that, though the Tikari Ward is an infant, his heir is not a minor, be considered a sufficient reason for not surveying that important property. The Lieutenant-Governor does not by these remarks convey any decision as to the survey of these estates. He desires, however, that the question of surveying them may be reconsidered with reference to the foregoing observations, and that due weight should be attached to the importance of maintaining a rent-roll showing accurately the rent due, according to law, from every tenant in direct account with the Court of Wards. Sir Rivers Thompson was satisfied, after personal inquiry at Bhagulpore, that such a record did not exist in the case of the Srinagar estate. It is difficult to see how there can be a rent-roll of this character for pergunna Serail in the Cassimbazar estate, as it is stated that the former proprietor did not receive any papers from the ijaradars, and that his attempt to supply this deficiency on assuming khas management was conducted by a corrupt agency which produced only misleading or worthless results. If an estate does not possess a really trustworthy rent-roll on which a collector can fairly be asked to make out a certificate of arrears, a survey appears to be necessary before any tolerable system of management can be established. Should the estate not be in a position to bear the cost of so essential a preliminary to Government management, it will become a question whether it should not be released.

3. With regard to the method of survey to be adopted, the Lieutenant-Governor observes that the Board show a preference in many cases for measurements such as may be made under Section 90 of the Bengal Tenancy Act, unaccompanied by the preparation of maps. It may, in some instances, be advisable to ascertain areas in this way, and to fix rent by amicable arrangement, particularly where the work can be so closely supervised as to prevent the corruption on the part of the subordinate agents of the Court of Wards for which proceedings of this informal nature offer an obvious opportunity. It seems, however, to His Honour obvious that where it is desirable to make measurements which are to form the basis of a revised rent-roll, it will generally be worth while to incur the trifling additional cost of the supervision necessary to see that the measurements are fair and accurate, as also of entering the results obtained in the only convenient form, that of a map. Where a survey has been sanctioned, the method in which it should be conducted may best be decided separately for each case, with reference to the local circumstances, and in communication with the Director of the Agricultural Department, who has made a special duty of the subject.

4. I am desired to ask the Board to be so good as to submit, after careful inquiry, and in communication with the Director, the report called for in the fourth paragraph of the Government of India's letter, as to the local agency available in tracts the settlement of which is recommended, and whether it can be trained to assist in the survey and maintain its results.

5. The difficulty in the way of surveying and settling estates on which permanent under-tenures exist, referred to in paragraph 5 of the Government of India's letter, was admitted by the Bengal Government only in respect to land under the management of the Court of Wards, and with particular reference to the great Burdwan estate. The survey of these cannot assist the proprietor, either in ascertaining or in augmenting his rental, and he has therefore no adequate motive to induce him to incur expenditure the advantages of which must be reaped by the permanent tenure-holders. It is not understood that the Government of India dissent from this view, or consider that it would be

expedient for the Court, in the interest of the Burdwan estate, to pay for the survey of the extensive patnis held at a rent properly recorded, and which can never be changed. The Board, in paragraph 24 of their letter, discuss a distinct question—the maintenance of a record-of-rights on estates not held under direct management. They state that this cannot be insured in the absence of special agreement; but express provision is made for the maintenance of the record in the form of kabuliyat which farmers of temporarily-settled estates are required to execute under Clause I., Section XIV., Chapter V., Volume II. of the Board's Rules. I am to ask for the favour of a report by the Board whether this kabuliyat is invariably taken when a lease is granted, as provided by the rule, and whether the necessary reports of mutations in the settlement records can in this manner be procured. It would be possible to insert similar provisions in leases granted to middlemen on estates under the management of the Court of Wards, were such a course considered desirable. In districts where patwaris exist, there is a separate means of correcting the record which can there be maintained without the assistance of the farmer, however desirable that assistance may be.

Enclosure 19, in No. 3.

From *P. Nolan, Esq.*, Officiating Secretary to the Government of Bengal, Revenue Department, to the Secretary of the Government of India, Revenue and Agricultural Department; No. 2419; 913L.R., dated Calcutta, the 1st December 1886.

THE Government of India, in Mr. Buck's letter No. 586A., dated the 12th August 1886, invited attention to the orders contained in the seventh paragraph of the despatch of the Secretary of State for India, No. 24, dated the 10th April 1884, that detailed information should be submitted on certain specified points in order to enable his Lordship to judge of the expediency of sanctioning any proposals for the formation of an agency for the supervision of survey and record operations in Government and Wards' estates. It was observed at the time that some of the questions could not perhaps be finally answered until experience had been collected in the course of the two years' experimental operations in Behar. Those operations have under recent orders been abandoned, and I am now to submit the information called for by the Secretary of State in the form of the accompanying report, No. 390, dated the 7th July 1886, from the Director of the Agricultural Department. The Secretary of State having intimated that the opinions of the Board of Revenue and of the chief administrative officers should be obtained, a copy of the Board's letter on the subject, No. 588A., dated the 12th August 1886, is also enclosed, and copies of the reports forwarded by the Commissioners of Divisions are annexed to the letter of the Director of the Agricultural Department.

2. As Mr. Finucane's report gives a very full statement of the facts, it remains for the Lieutenant-Governor only to express his opinion on the points indicated by the Secretary of State. The first two inquiries

* (1.) The number of such estates of each class, and the approximate area.

(2.) What has as yet been done, what number and area of such estates have hitherto been dealt with in the manner proposed, and whether it is intended to do the work again?

made in the despatch* are evidently directed to ascertain the amount of survey work which there will be to do if an agency for its supervision is sanctioned; and, taking them in that sense, the Board of Revenue and the Director of the Agricultural Department have not only supplied the information directly required, but also considered in detail its bearing on the questions suggested. For this purpose Government land and properties under the management of the Court of Wards have been dealt with separately, as while all are agreed that it is desirable that the former should be surveyed and settled at least once, and the discussion is thus limited as regards them to an inquiry as to the scope which can at present be found for the development of an acknowledged policy, there is some difference of opinion even on the initial question, so far as it affects the management of Wards' estates.

3. It has long been the practice of this Government to make a cadastral survey, with such imperfect instruments as might be available, of the cultivated portions of all Government estates, the wilds and jungles, which in some cases form a large part of the whole, being only topographically surveyed. That so wide an area as 1,698,140 acres, or 33 per cent. of the total, is nevertheless entered in the report as not surveyed cadastrally, must be attributed to the fact that some of the most important Government estates lie in imperfectly reclaimed parts of the country, where private rights had not grown up at the time when the Government title accrued. It has thus come to pass that the land directly retained by Government includes much jungle, as to which a mere topographical survey has always been considered sufficient. This explanation applies to the 882,254 acres entered as unsurveyed in Julpiguri, which as stated at page 159 of the correspondence, were covered with impenetrable jungle at the time of the survey of 1869; to the 505,086 acres entered against Chittagong; to the 80,107 acres in Hazaribagh; and probably to the bulk of the land entered as unsurveyed in all districts. Islands formed at the mouths of the great rivers of Bengal, particularly in the Noakhally district, also remain unsurveyed until, in process of time, they are rendered culturable by fresh alluvial deposit; and as they form Government estates, this swells the account of the unsurveyed area.

4. The Director does not propose to survey at once the whole of the land hitherto unmeasured, as the reasons which prevented the survey of some estates at the time of their original acquisition are still in force. This explains the difference noticed in paragraph 23 of the Board's report between the two sets of figures given by Mr. Finucane, the first relating to the area of land unsurveyed, the second to the area which it is proposed to survey immediately. The Director has adopted the suggestions of the Commissioners and Collectors on this subject, and, following their recommendations, proposes to attend at present to an area of 1,906,029 acres only. Of this, 1,656,316 acres lie in the district of Chittagong, where existing settlements begin to expire in 1892. The Lieutenant-Governor having decided that proposals for the survey of this district should not be entertained until 1890, the area available before that date is reduced to 249,713 acres. To this must be added 881 square miles of the Angul estate in Orissa, the survey of which has recently been sanctioned by the Government of India, and will be undertaken this year. It is highly probable that it may be found desirable to survey estates not noticed by the local officers; and, on the other hand, their suggestions for survey may have to be rejected in some instances as in that of Monghyr, where the re-survey of 59,915 acres is suggested on the ground of changes in the course of rivers, and encroachments by neighbouring zemindars. On the whole, it would seem that circumstances demand the survey during the next three years of about 1,271 square miles of public land.

5. It is, moreover, important to observe that some most extensive resettlements will have to be made in the immediate future. The Julpiguri Dooars must be surveyed before 1891, a large part of Chittagong district before 1892, and almost the whole of the Orissa Division before 1897. Past experience makes it probable that these great works will end in failure if a suitable agency is not trained beforehand for their supervision.

6. As to the circumstances which would justify the survey of private estates under the management of the Court of Wards, there is, as has been stated, some difference of opinion, the Board of Revenue advancing certain considerations supposed to tell against such undertakings, which they consider that the Director has ignored. It may be admitted that the description given in paragraph 5 of Mr. Cotton's letter applies to the management of many estates by private owners, although on others collections are made with some regard to regularity, as is proved by the fact that no arrears are due when they come under the Court of Wards. But assuming that the property of a minor, when it first comes under control, is in the state portrayed in the Board's letter, that "his nominal rent roll is one which can only be realised in an exceptionally prosperous year; in an average year arrears accrue; but while, on the one hand, the tenants are not pressed for payment, on the other hand the balances against them are always kept standing on the books"; that "if the landlord wishes to

raise the rent, he either levies a cess or measures the land with a shorter pole, so as to bring out an apparent increase": what, it must be asked, under such circumstances, is the duty of the Court of Wards? In the opinion of the Lieutenant-Governor, the Court should take every legitimate means to break up the system described, and to place the administration of the estate on an equitable footing, objects which, as indicated in Mr. Buck's letter, No. 315 R., dated the 4th July 1882, can be best obtained by a systematic field survey, conjoined with the preparation of a record of rights. In the course of the tour made by the Lieutenant-Governor during the month of September last, he had occasion to investigate the condition of a property to which, more perhaps than to any other, the Board's description applies without modification, that of Srinagar, in the Bhagulpore division. This estate was taken over by the Court of Wards with an annual rent demand of 267,943 Rs., and an accumulated arrear balance of 1,293,077 Rs. The remissions during the last three years amounted to 10 lakhs and-a-half, which were very imperfectly accounted for; and there was still an arrear at the end of 1885-86 of more than six lakhs. The explanations of these extraordinary figures was found to lie in the fact that there existed no authentic or trustworthy rent-roll of the yearly rent really due, and that the manager had to rely for his collection on imperfect, fragmentary, and disputed village accounts. The Board had, in their annual report for 1884-85, intimated an intention of surveying this estate, but subsequently decided not to do so, on the ground, as stated in their letter, No. 417 A, dated 31st May 1886, that what was wanted was methodical management, an adjustment of the rent demand, and system and punctuality in the collections. The Lieutenant-Governor, in consultation with the Commissioner of Bhagulpore, the managing collector, and the manager of the estate, arrived at the conclusion that a survey and record of rights should be effected on the very ground that it was desirable to introduce method, to adjust the rent demand, and to secure some degree of punctuality in collections, reforms which, under the circumstances, could be effected only after a careful settlement. This case is quoted because it very forcibly illustrates the difference of opinion which has long prevailed in Bengal as to the considerations which should influence the Court of Wards in deciding whether an estate should or should not be surveyed.

7. The statement contained in the following paragraph of the Board's letter that it is certain that raiyats deliberately prefer the system adopted by zemindars to that maintained by Government, does not appear to rest on any solid foundation. It is stated that "in the west and in the east, in the north and in the south, in Pooree and Chittagong, in the Bhootan Dooars and in Midnapore, the result has been the same. It has thus far been in vain that assessments have been made with scrupulous care, and that rents have been fixed with studied moderation; it is in vain that raiyats have been told that the fruits of their labour will be secured to them, and that the payment of a specific sum on a specific date is all that will be demanded from them in return for fixity of tenure and freedom from illegal exactions. It is only by the exercise of the tremendous power which the certificate procedure puts into the hands of the officers of Government that rents are realised with any degree of completeness and punctuality." The illustrations given in this passage are unfortunately selected, as in point of fact the assessments in Pooree, in the Bhootan Dooars, and in Midnapore were excessive, and had to be reduced by Government, because, after enquiry, it was found that they were inequitable, and that they could not be realised; while in the Chittagong settlement there were numerous errors, and the Government estates of that district are only now being brought into a state in any way resembling order. That raiyats should endeavour to avoid the payment of rent assessed at settlements of this class is natural; but it by no means follows that they will object where rents have really been fixed with care and moderation. The fact that no such instances are quoted by the Board in itself seems to point to an opposite conclusion. It is within the knowledge of the Lieutenant-Governor that, after settlements effected with a view to ascertaining and recording rather than to enhancing rents, all public demands have been paid by the raiyats without friction or pressure, and with the most scrupulous punctuality. Indeed, the views expressed in this connection by the Board can scarcely be reconciled with the statement made in the 20th paragraph of their letter that, where measurements are

are made under Section-90 of the Tenancy Act, the raiyats are usually willing to agree to a reasonable enhancement, the rent-roll is substantially increased, and there is no opposition to the collection of the new jumma. There was no opposition on the part of the raiyats to the recent survey and record-of-rights in Mozufferpore under the 10th chapter of the Bengal Tenancy Act. Cadastral surveys have hitherto been almost invariably made with a view to the enhancement of rent, and have been unpopular on account of their ultimate object; but where such a result was not aimed at, as in surveys for irrigation purposes, and in a recent survey and record-of-rights of the Sasseram endowment estates in Shahabad, they have not provoked unfavourable comment. If made in order to ascertain, in the interests of all parties, the amount of rent equitably demandable, to determine the status of the raiyats, and to protect them from oppression, it may be assumed that the present acquiescence would be converted into a cordial welcome. That the zemindars' servants, who for their own purposes prefer darkness to light, are opposed to a faithful record of dues, as noticed in the eighth paragraph of the Board's letter, is a matter of course; but it is not exactly in their interests that the measure is advocated.

8. In connection with the question whether wards of the Court would, after they attained their majority, maintain a record-of-rights made for their estates, it is to be observed that many proprietors have not only kept up, but in the first instance devised, very elaborate and excellent forms of account checked by frequent, though partial, measurements. It is unfortunately true that some of the Wards may too probably fall into the hands of servants who will misguide them in this and other matters; but others will be influenced by the considerations which now induce some of the leading zemindars of Behar and Bengal to maintain a proper system. In any case, the fact that an accurate record-of-rights and rent-roll have at one time been made out will be an advantage; for it may be said that, while a rent-roll duly kept up to date is essential to active management, a rent-roll originally accurate is essential to any management whatever. The Lieutenant-Governor cannot follow the suggestions of the Board* that a survey and record-of-rights of the Nurhun estate which, under the law, can be made binding for fifteen years, and must, after that period, form the basis of future settlements, will be "no better than waste paper" before half the prescribed time has expired; nor can the Lieutenant-Governor accept the argument that because a Ward may prefer to revert to a system of management admittedly bad, therefore the Court of Wards also should maintain such a system while estates are under its control.

9. The discussion is brought to a definite issue by the recommendations of the director that the four estates of Srinagar, Cassimbazar, Nurhun, and Tikari, should be immediately surveyed, and the reasons given by the Board for declining to accept this proposal. The heir of the Srinagar estate, the Board say, is in his sixteenth year; the Nurhun ward in his fifteenth; though the Tikari ward is only three years old his heir is not a minor, and should the present owner die the estate would have to be given up at once; moreover a large part of it is let out on farming leases; while there is reason to believe that the Cassimbazar raiyats would strongly object to the proposed measure. The Lieutenant-Governor has already intimated that he considers that on account of the almost inextricable confusion which prevails in it, the Srinagar estate should be surveyed; and without finally deciding as to the other three properties specified, he thinks it right to record that the reasons given by the Board against a survey appear altogether insufficient. In Nurhun there is still ample time to introduce a proper system before the ward completes his twenty-first year, and the Manager, Collector, and Commissioner are unanimous in recommending a survey and record-of-rights. The fact that the next heir to the Tikari estate is not a minor seems a very strange reason for refraining from putting the management on a sound footing; it is also one which, if accepted as sufficient, must affect the great majority of estates, and in many of them prove an absolute bar to the adoption of a policy suggested by the Government of India. Neither can the consideration that a large part of the land is let on lease for terms of years apply to the case of the remainder, which is managed direct; nor can it have much influence even with regard to the portion which is farmed. It is notorious that it is while villages are thus

temporarily placed in the hands of middlemen that the greatest extortion is practised on raiyats, and that the accounts are most frequently falsified to the injury of the estate, as is indeed said by the manager to be the actual case in the present instance. The objection of the Cossimbazar raiyats to the survey of that estate is explained by the report published at page 130 of the correspondence. It appears that, during the lifetime of the late proprietor, the property was farmed out to middlemen, who enriched themselves, and at the expiration of their leases left behind them no record to facilitate management. The proprietor applied the proper remedy for this evil by commencing a survey; but he employed such a corrupt agency for the purpose that the papers prepared were misleading and worthless. The raiyats therefore have experience only of useless surveys conducted by corrupt men, and are naturally opposed to proceedings of that kind. The antipathy derived from such a source does not seem a sufficient reason for refusing to adopt the means approved by the late proprietor, and which can alone prove effectual for putting an end to the confusion introduced under the management of the middlemen.

10. The Board properly point out that, though under the law a survey may be made, yet its results cannot be maintained in estates on which permanent under-tenures exist, and on such lands it would appear to be the interest of the tenure-holder, rather than of the proprietor, to make measurements. This consideration necessitates a large deduction from the 4,026,764 acres entered in paragraph 38 of Mr. Finucane's report as the area of Wards' estates which may be immediately dealt with. Of this amount no less than 2,388,650 acres appertain to the Burdwan Raj estate, nearly all of which is let upon patni lease, so that the proprietor is a mere rent-charger. It is impossible to recommend the survey of the greater part of this property as long as the Court of Wards does not hold the patni interest; and there will be other estates in a similar position. It may, however, be said that, with the four estates already specified, and some others which it seems most desirable to take in hand, together with the temporarily-settled estates which will from time to time come under settlement, there will, as indicated by Mr. Finucane in his paragraph 39, be ample employment for three survey parties in Bengal for some years to come.

11. The remarks which it is considered necessary to offer with regard to the information supplied in reply to the first two inquiries of the Secretary of State amount, therefore, to this, that there is an area of about 1,271 square miles of Government land, and a much larger area, probably not less than 2,400 square miles, of land under the management of the Court of Wards, which it is desirable to survey at once. Very little of this has been previously surveyed. It is, moreover, probable that surveys of many private estates will be undertaken under Chapter X. of the Bengal Tenancy Act at the request of the proprietors, several petitions made with that object having been received already, and over and above all this survey and settlement of temporarily-settled estates, covering an area of 14,000 square miles, will have to be undertaken, and ought to be well advanced towards completion within the next twelve years.

12. The director recommends that the system of the professional survey be adopted, that rents be settled under the 10th Chapter of the Bengal Tenancy Act, and that the village records be maintained according to the rules annexed to his report. As pointed out by the Board, a professional survey can work economically only on a large scale, and many of the estates to be dealt with are small. There would also be a disproportionate amount of labour in introducing the elaborate rules, printed at page 189 of the correspondence, in districts where the area affected by them might be very limited. The proposals of the director may therefore be accepted only as applicable to large estates, which afford sufficient scope for the action of professional surveys. By such surveys officers of different grades will be trained, so as to enable them hereafter to conduct smaller operations with professional accuracy. Meanwhile no change is proposed in the existing system of measuring the minor estates; but it is believed that it will generally be better to make the rent-settlements even on them under Chapter X. of the Tenancy Act. The matter is not one on which a confident opinion can be

(3) What system is proposed for (a) field survey, (b) village record, (c) settlement of rents?

be formed until experience has been gained of the working of the Act ; and the Board, in paragraph 20 of Mr. Cotton's letter, express a preference for measuring such estates under Section 90 of the Act. The disadvantage of proceeding under that section is that no settlement of rent can be made, after the measurements have been effected, except by mutual consent, which may not be practicable, or by litigation ; and that no part of the expense of the survey can be imposed on co-sharers, or on the raiyats and tenure-holders. The maintenance of village records under the rules may at first be enforced only on estates surveyed under Chapter X. of the Act.

13. The Director's answer to this question, to be found in paragraph 39 and subsequent paragraphs of his report is, that the survey of the large estates should be conducted by professional parties, with a junior member of the Civil Service, or deputy collector, attached to each. No novel establishment has to be appointed for the purpose. Neither is the appointment suggested of a new agency for the survey of the smaller estates, which must proceed as at present. For the maintenance of records on Government estates, the Board suggest that "the managing officer, canoongo, tehsildar, or whoever may be in charge of the estate, should be responsible for keeping the record and the map corrected up to date, by noting all changes after actual inspection and local investigation." On Wards' estates similar measures may be taken while Government management is maintained. But if it is desired to secure the perpetual preservation of such a record after the estates have been restored to private proprietors, it will be necessary to have recourse to legislation. In the opinion of the Lieutenant Governor the law should require the maintenance of survey records by village officials having no connection with the collection of rent.

(4) What establishment is to be organised, and how is it to be controlled?

14. The estimate given by the Director of the cost of maintaining the record-of-rights, and of improved management generally, is contained in the proposal made in paragraph 51 of his report, to raise the management grant from $7\frac{1}{2}$ per cent. of the receipt* to $12\frac{1}{2}$ or 15 per cent. Taking the lower estimate, this involves an increase of 5 per cent. on the rental in the allowance for the cost of management. The income from Government estates being 3,018,757 rupees according to the last annual report, this involves an ultimate increase in the expenditure of about a lakh and a-half a year, if the improved system suggested is to be applied to all estates.

* The authorised allowance is 10 per cent., of which $2\frac{1}{2}$ per cent. is applied to education and roads, and $7\frac{1}{2}$ per cent. is made over to the Board for management and improvement.

15. The answer to this question, so far as it regards the original intentions of the Lieutenant Governor, is supplied by the Patwari Bill pending in the Bengal Council. As this measure will not now be passed into law, the maintenance of the records, the primary object of which is to facilitate rent collections, must, unless fresh legislation is undertaken, be trusted, as at present, to the zemindar's regard for his own interests.

(6) What measures are contemplated, as respects Wards' estates, to ensure the maintenance of the survey, the record, or the settlement, when the estate reverts to the management of the owner?

16. This is a point with which Mr. Finucane has dealt very fully, and the Board have expressed their concurrence. The Lieutenant Governor entirely supports the conclusion at which they have arrived. It may be added that Mr. Finucane has acquired great experience in settlement work, and his supervision has proved most useful in Mozufferpore. The Member of the Board in charge of this department at present has also very special knowledge of the subject ; but as his other duties must prevent him from supervising settlements actively on the spot, the assistance of the Director is most useful to him. The work of introducing a system for the maintenance of maps up to date is altogether new in Bengal, and requires the close supervision of an officer who can devote a great part of his time to the subject.

(7) Why, if an efficient subordinate agency can be framed, its general direction and supervision should not be entrusted to the Board of Revenue and the regular Revenue authorities?

17. With reference to paragraph 11 of the Despatch it may be noticed that on the expiry of the year for which an officer was appointed to the charge of 188.

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the Government estates in Shahabad, he returned to general duty, as it was not considered expedient to continue the arrangement. The results obtained by this temporary delegation are noticed in the annual report of the operations of the Agricultural Department, a copy of which is forwarded with my letter, No. 2420—389 Agri., of this day's date.

18. The suggestion made by the Board in the 28th paragraph of their report, that the number of Government estates should be limited to four or five in each district, would involve the sale of the greater number of such properties, of which several districts include more than a hundred. The result would be a considerable loss of revenue at present if they were temporarily settled, and in the future if they were settled permanently. There would be a certain injury to the raiyats, who, while under Government, if they have not at present all the advantages of close and active supervision, are at least free from vexatious interference, illegal cesses, and unauthorised enhancements. Indeed, one of the defects found by the Director in the present system of management is, that it is sometimes too lenient to the raiyats, allowing them to reclaim jungle and waste without any extra charge for rent until the periodical re-settlement. The policy of selling very small Government estates has been already adopted and acted on; but it does not appear necessary to push it to the extent of ignoring financial considerations, and parting with all estates which cannot be managed on an elaborate system.

19. The answer given to the questions put by the Secretary of State may be briefly summarised as follows :—

The area of Government estates which it is necessary to survey at present amounts to about 1,271 square miles; that of Wards' estates is known to be 2,400 square miles, and is probably much more. Besides this, it will be necessary to survey 14,000 square miles of temporarily-settled estates within the last 12 years. It is proposed to adopt the system of survey followed by the Survey Department, and to settle rents, with the assistance of revenue officers, under Chapter X. of the Bengal Tenancy Act. For village records rules have been devised, which show the establishment required and the system of control to be adopted. The cost of survey and settlement operations will be about eight annas an acre; that of preserving the records and of the connected charges in the management of public lands about two and a-half per cent. of the rents. On Wards' estates the maintenance of the records, after such estates have passed out of the control of the Court, must be trusted to the intelligent self-interest of the proprietors if the Government of India is not prepared to authorise special legislation. It is most important that the Board should be aided in the working of the system by a special officer, as it will require the supervision of a person able to make inspections on the spot, and to give the greater part of his time to the work of direction and control.

Enclosure 20, in No. 3.

From Sir *E. C. Buck*, Secretary to the Government of India, Department of Revenue and Agriculture, to the Secretary to the Government of Bengal, No. 209 R.—68-2, dated Simla, 6 May 1887.

I AM directed to acknowledge the receipt of your letter No. 2419—913 L.R. of the 1st of December last, submitting certain information called for by the Secretary of State, in order to enable his Lordship to judge of the expediency of sanctioning any proposals for the formation of an agency for the supervision of survey and record operations in Government and Wards' estates in Bengal, and, in reply, to convey the following remarks.

2. The information contained in the papers submitted with your letter under acknowledgment has convinced the Government of India that there is a large area of land in Bengal which requires to be surveyed, and that to supervise and control the work of survey and record operations a special agency will be needed. In the first place there are some 14,000 square miles of temporarily-settled estates which, in the opinion of the Bengal Government, ought to be surveyed within the next 12 years in order to allow of a re-settlement of the land revenue; and it is understood that in the case of Orissa, and, generally speaking, in all cases, the cost of survey and settlement will be justified on financial as well as on administrative grounds. Next, there is an area of 1,271 square miles, composed of Government estates, which demands an
immediate

immediate survey, and it is inferred from the description given of survey operations in the past that the greater part of the 8,000 square miles comprised in Government estates will sooner or later require to be surveyed and settled in a systematic manner. Apart from financial reasons, the Government of India are prepared to admit that in the case of Government estates it is their duty to make them models of efficient management, and to educate the tenantry to a due appreciation both of their rights and obligations. Lastly, there are the estates which are under the administration of the Court of Wards. Mr. Finucane has recommended that some 6,000 square miles of these estates should be surveyed, but His Honour the Lieutenant Governor for the present confines his recommendations to 2,400 square miles. In view of the peculiar and responsible position of Government in regard to Wards' estates, the question of extending survey and record operations to such estates is more difficult and complex than it is in the case of temporarily-settled and Government estates. But in consideration of the abuses which result from the present system of management, vividly set forth in paragraph 6 of your letter under reply, and in spite of the possibility that the maps and records which will be furnished by properly organised operations of survey and settlement may fall into neglect when the estates pass from the control of the Court of Wards, the Government of India have formed the conclusion that it will be both expedient and just to undertake survey and settlement operations in Wards' estates, and do not hesitate to endorse Sir Rivers Thompson's opinion that the fact that "an accurate record-of-rights and rent-roll have at one time been made out will be an advantage; for it may be said that, while a rent-roll duly kept up to date is essential to active management, a rent-roll originally accurate is essential to any management whatever."

3. It will have been gathered from the foregoing remarks that the Government of India agree with the Bengal Government in thinking that there is a very extensive area in Bengal which must be surveyed and settled on a well-considered and comprehensive system; and in consideration of the fact that in other parts of India it has been necessary to appoint a special officer to move about and inspect the work in all its stages advising and instructing officers in immediate charge of survey and settlement parties, there could be little doubt that in Bengal, where these operations will be, comparatively speaking, novel, the need for such an officer as the Director of the Department of Land Records and Agriculture would be approved by the Government of India.

A Despatch has accordingly been sent to the Secretary of State, in which the necessity for commencing survey and settlement operations in the temporarily-settled estates, the Government estates, and the estates under the administration of the Court of Wards, has been urged; and at the same time the opportunity has been taken to point out that, apart from his position as adviser on matters relating to agriculture and statistics, the Director of the Department of Land Records and Agriculture in Bengal has a vast field of duty before him in the important survey and settlement operations which have been recommended for the sanction of the Home Government.

4. But, while the information before the Government of India has enabled them to refer the case for the orders of the Secretary of State, there are two matters of importance which have not been sufficiently elucidated in the papers submitted with your letter under acknowledgment. It has been briefly admitted above in regard to Wards' estates that when Government takes upon itself the management of an estate, it cannot be excused for taking no measures to secure the estate from the mismanagement in which it is found, on the plea that if Government puts it into order by creating a map and rent-roll, the Ward may not maintain them when he comes into power; and in the Despatch to the Secretary of State the Government of India have accepted it as their duty to survey, to make a record-of-rights, and to organise a means of maintaining these records so long as the estate remains under the management of Government. It may here be remarked that the principle should, as far as possible, be adopted of employing the same agency in the details of survey and preparation of the record of rights that will be subsequently

employed in maintaining them. In the case of temporarily-settled estates and Government estates it will be absolutely necessary to keep the maps and records up to date through a local agency trained in the survey and settlement operations; while as regards Wards' estates the Government of India must undertake the organisation of some means of maintaining the records so long as the estate remains under the management of Government. The point, therefore, of prime importance, which has not been fully dealt with in the papers forwarded by the Bengal Government, is the training of a local agency by which maps and records will be made, and afterwards maintained. The papers show that there is an agency of some description in certain divisions, but the general impression formed by the Government of India is that the information supplied requires to be supplemented by a very careful inquiry regarding the condition of the local agency which exists in those tracts which are recommended by the Bengal Government for survey and settlement. It is perhaps unnecessary to point out that the advisability of undertaking the extensive operations now recommended will depend to a large extent on the question whether the agency now employed in collecting rents can be utilised as a permanent subordinate establishment under the Department of Land Records and Agriculture; and if it appears from the inquiry now suggested by the Government of India that the present agency, reformed and weeded out, is capable of performing, after the training which will be given during the operations of a professional survey, the duties performed by patwaris in Northern India, the chief financial and administrative difficulty in the proposal now under consideration will have been eliminated. Such an inquiry as is now required should result in full information regarding the source from which patwaris, gomastas, and sarbarakars are now paid, whether they can write, the rules for their appointment, and other facts of importance.

5. The second matter of importance, which has not been made sufficiently clear, is the difficulty raised by the Board, in paragraph 14 and 24 of their letter of the 12th August 1886, as to the practicability of carrying out a scheme of survey and settlement in Government estates and Wards' estates, where there are talukdars and patnidars between Government and the raiyat. The difficulty seems to be admitted by the Government of Bengal; but *primâ facie* it appears to the Government of India that when the Government pays the patwari, no difficulty as to the office and duties of the patwari should occur which has not been overcome, for instance, in the North-Western Provinces, or may not be overcome by legislation.

In the light of these remarks, I am to ask for a fuller explanation of the difficulty raised by the Board, and to request that the Bengal Government will reconsider their opinion that it is impossible to recommend the survey of estates in which permanent under-tenures exist.

Enclosure 21, in No. 3.

From *M. Finucane, Esq.*, Director of the Department of Land Records and Agriculture, Bengal, to the Secretary to the Board of Revenue, Lower Provinces, No. 771 T.A., dated Calcutta, 19 November 1888.

I HAVE the honour to acknowledge the receipt of your Memorandum No. 790 A, dated the 25th July 1888, forwarding for report the notes taken at the Delhi Conference in connection with the preparation and maintenance of village maps, and the employment on surveys and settlements of officials of the Survey Department.

2. In reply, I have the honour to say that the matter was left over by Mr. Collin, my *locum tenens*, in order that I should have an opportunity of expressing my personal opinion upon the questions discussed.

3. I have only to express my cordial concurrence with the views expressed in

* No. 55—65—38, dated 14th June 1888. Sir Edward Buck's circular letter * of the 14th June 1888.

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I have more than once expressed the opinion that the existing arrangement under which the Imperial Survey Department supervises and controls the conduct and expenditure on surveys undertaken by, and paid for, by Local Governments is expensive, inconvenient, and anomalous.

4. It is inconvenient, because it involves the dual control of two separate departments—one Provincial and the other Imperial—over one work, that of settlement, of which the survey is only a part, thus causing friction and consequent delay.

It is expensive, because the Imperial Survey Department employs a larger supervising European agency in the superior grades than the Local Government would deem to be necessary, and it is anomalous because the Local Government though obliged to provide the funds for Provincial surveys, is yet precluded from exercising any sort of control over expenditure on such surveys by the Survey Department, though the officers of the Local Government are at the same time called upon from time to time to explain excessive outlay over which, in fact, they have no control, and for which they cannot be responsible.

5. I have already expressed the opinion * that if officers of the Survey Department, employed on provincial surveys, were lent to the

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(1) No. 45 Mis., dated 28th March 1887, to the Revenue Department of this Government.

(2) No. 324 T.A., dated 3rd August 1887, to the Secretary to the Board of Revenue, Lower Provinces.

(3) No. 980—163-2 S., dated 21st December 1886, from the Revenue Department of the Government of India to the Government of Bengal in the Revenue Department.

Local Government and placed entirely under its orders, the result would be a reduction of expenditure on surveys and more harmonious conduct of work than is now possible; while the advantage of professional supervision over such surveys would be at the same time secured.

It is therefore with much satisfaction that I observe that the Government of India has accepted this view, and trust it will commend itself to the Government of Bengal likewise.

6. It would appear to me that one superior officer of the Survey Department with a staff of assistants would suffice for the supervision of provincial field surveys on the reduced scale sanctioned in your No. 1036 A., dated the 25th September 1888, instead of two who are now employed in Bengal; that this officer with his assistant should be lent to the Bengal Government; that all expenditure incurred on provincial surveys should be controlled, sanctioned, and passed by the Local Government in the same way as expenditure on settlement work proper. But if the traverse survey of Orissa be undertaken at an early date, as I hope will be the case, the services of a second officer may also be required.

7. The Government of India, it will be observed from paragraph 7 of Sir Edward Buck's letter, has undertaken to bear all the cost of operations of traverse surveys, including the cost of any superior officer employed on such surveys. The effect of this arrangement will be materially to reduce the cost to landlords and raiyats of surveys and records-of-rights made under Chapter X. of the Tenancy Act in Wards' or other private estates in which a traverse survey is made.

8. Under the arrangement now approved by the Government of India, it may be hoped that the cost to private persons of surveys and records-of-rights in Bengal can be reduced to five or six annas per acre, especially if the employment of local indigenous agency is insisted upon, and the importation of up-country amins to Bengal is discontinued; and I earnestly hope that effect may at once be given to this arrangement with a view to reduction of cost of surveys. The question of expenditure on surveys in Bengal, on which there appears from recent correspondence to have been some misapprehension, will form the subject of a separate communication.

9. The question of retaining an officer in Bengal for the supervision of the maintenance of records and correction of maps need not at present be considered, as there are practically no maps to correct, or at least they do not exist on a scale sufficient to justify the employment of a special officer; but I would at the

same time beg to express my general concurrence with the views of the Government of India on the subject of the supervision of the maintenance, as well as on that of the preparation, of village maps.

Enclosure 22, in No. 3.

From *M. Finucane*, Esq., Director of Land Records, Bengal, to the Secretary to the Board of Revenue, Lower Provinces, No. 109 T.A., dated Calcutta, 28 January 1889.

I HAVE the honour to acknowledge the receipt of your No. 1182 A., dated 8th November, asking for an expression of my opinion on certain suggestions made by Mr. Collin with a view to reduce the number of copies of settlement records now prepared under the Tenancy Act.

2. In reply, I have the honour to say that I agree in the opinion expressed by the Board that the adoption of Mr. Collin's proposal would involve, not merely an amendment of the rules, but also a modification of the wording of Section 105 of the Tenancy Act. At the same time, I concur with Mr. Collin in the opinion that it is very desirable to reduce the number of copies which, under the rules as they stand, it is now necessary to prepare. This object can, I think, be attained, without altering the law, by amending Rules 33 and 34, Chapter VI. of the Rules, as shown below:—

Existing Rule.

33. When the record-of-rights has been prepared in the manner described in Rules 20 to 32, the revenue officer shall cause a draft of the khewat and khatian, or, when more convenient, of each separately, to be posted for the period of one month at the landlord's village office, if there be one, and if there be none, then, in the presence of not less than two persons on some conspicuous place in the village, and shall receive and consider any objections which may be made to any entry therein during this period.

Amended Rule.

33. When the record-of-rights has been prepared in the manner described in Rules 20 to 32, the revenue officer shall cause a draft of the khewat and khatian, or, when more convenient, of each separately, to be published in the following manner:—

Notice shall be posted up at the landlord's village office, if there be one, and if there be none, then, in the presence of not less than two persons, on some conspicuous place in the village, stating that the records will be published in the village at a place and time to be specified not less than one week from date of such notice, and calling on all persons interested to attend on the date so specified. The revenue officer shall either proceed to the place so specified himself, and read the contents of the record in the presence of parties who attend, or he shall depute an officer not below the rank of canoongo, who shall read out the contents of the record in the presence of so many of the parties as attend, and the revenue officer or officer deputed by him, as the case may be, shall at the same time inform the parties who attend that the draft record will be open for inspection in the office of the revenue officer for one month. The revenue officer shall receive and consider any objection which may be made to any entry during this period.

34. When

34. When all applications for settling a fair rent have been disposed of, and all disputes of the nature mentioned in Rule 32, have been decided, and all objections of the nature mentioned in Rule 33 have been considered by the revenue officer, he shall note in the khewat and the appropriate columns of the khatian in regard to each entry what entries have been, and what entries have not been, the subject of dispute. He shall then finally frame the record, and cause it to be published by having it posted in the village office at which the rent is usually paid, or in some conspicuous place in the village.

34. When all applications for settling a fair rent have been disposed of, and all disputes of the nature mentioned in Rule 32 have been decided, and all objections of the nature mentioned in Rule 33 have been considered by the revenue officer, he shall note in the khewat and the appropriate columns of the khatian in regard to each entry what entries have been, and what entries have not been, the subject of dispute. He shall then finally frame the record, and cause it to be published by notifying that its contents will be read out in the village at a time and place to be specified, not less than a week from date of such notice, and by reading it out himself, or causing it to be read in the village on the date so specified, in the manner prescribed in Rule 33, in the presence of the parties, or of so many of them as attend.

3. The effect of the alterations suggested above would be that the copy used for publication of the draft record, and the copy of the record as finally published, which, under the existing rules, being stuck up in the village and left there, get torn by wind and weather, and go to waste, would be available for the Collector's office; that the expense of fairing two extra copies of the records would be saved, the provisions of the law would be complied with, while the parties would be kept better informed of the contents of the record than they are by merely posting it up in the village. As the raiyats receive copies of their khatians, and the landlord receives a copy of the record as finally published, all parties will thus have ample opportunity of ascertaining its contents.

4. It will, under the amended rules, be necessary to prepare only one fair copy of the records. The draft record can be corrected with red ink, and published as the final record, and after such final publication it may be deposited in the Collector's office. One fair copy only will have to be prepared for the landlord, as required by Rule 35, and the patwari, where there is one, may be called upon to prepare his own copy.

5. In my No. 83 T.A., dated 29th March 1887, I instructed Mr. Collin to act in the Mozufferpore survey on the principle indicated above, which, it appeared to me, might have been done under the existing rules by adopting precautions to have the draft and final records carefully preserved, even though posted up in the village office, and then, after the expiration of the prescribed period, returned to the revenue officer for further use. This course, however, is not always practicable, as the copies posted up in the village get torn, and become unfit for further use. In order, therefore, to remove all doubts on this point, I would suggest that the rules be amended in the manner suggested above. If the Board and Government approve of these suggestions, it will be necessary that the amended rules be published in the Gazette, and that objections be invited in the manner prescribed in Section 190 of the Act:

6. Meanwhile, in order to save unnecessary expenditure, I shall instruct settlement officers to prepare only one fair copy of the records, and to utilise the draft and final records in the manner described above.

No. 110-124 T.A., dated Calcutta, 28 January 1889.

COPY forwarded to the Settlement Officer of Srinagar-Banaili and Mozufferpore Estates; Sunkerpore, Maldwar, Churamun, Angul, Banki, Kujong Burdwan Raj, Khas Mehals; Dubalhati, Midnapore Estates; Juar Baluakandi, and other Tipperah Estates; Backergunge Estates; Chittagong Estates, Jalpaiguri Dooars, and the Sonthal Pergunnas, for information and guidance.

EXTRACT from a Memorandum from *M. Finucane*, Esq., Director of the Department of Land Records and Agriculture, Bengal, to the Secretary to the Government of Bengal, Revenue Department, No. 151 T.; dated Darjeeling, 3 June 1889.

Estimated cost in Eastern Bengal, 6½ annas per acre.

Para. 3. — In estimating the cost of operations in Chittagong and in Government estates in Eastern Bengal, 6½ annas per acre has been taken to be the probable expenditure, on the assumption that the recommendations for the reduction of cost of surveys made in my letter No. 187 T.A., dated the 9th of February 1889, are accepted. The Board in their No. 335A., dated the 12th of March 1889, asked for a further report on the reduction of cost of surveys based on the results of the present field season. The work of the current field season is not yet completed, and it is therefore impossible to furnish the report called for; but it may be said, from the information available from the progress report received from the settlement officers, that the conclusions come to, and recommendations made, in my letter already referred to, will not, in my opinion, be in any way modified by the results of the present field season. The actual cost of the principal surveys and settlements in hand, namely, Srinagar, Banaili, Angul, and Banki, will be about 8 annas per acre, as already reported, or somewhat less.

Enclosure 23, in No. 3.

From *J. W. P. Muir-Mackenzie*, Esq., Under Secretary to the Government of India, to the Secretary to the Government of Bengal, Revenue Department, No. 84 C., dated 2 January 1890.

Sir,

WITH reference to your letter No. 3343—1123 L.R., dated the 3rd September 1889, regarding the undertaking of a survey and record-of-rights in the Patna Division, I am now to inform you that the Government of India has provisionally reserved, for employment in Bengal, survey parties as indicated in the appended programme, which is based upon the supposition that the Bihar Survey will be commenced in 1891-92. But no final decision can be given authorising this survey until the question of cost and the share which it is proposed to accept on the part of the Government is more precisely determined. The correspondence forwarded by the Bengal Government, although throwing considerable light on the subject, does not indicate with the necessary precision how the cost rate of 6½ annas per acre is arrived at. The estimate is apparently based on the following conditions urged in the letter from the Director of the Department of Land Records, No. 187 T.A., dated the 9th February 1889, viz. :—

- (1) Subordinating officers of the Survey Department employed on provincial surveys entirely to the Local Government, while so employed;
- (2) Insisting on the employment of a local agency instead of up-country amins;

(3.) Training

- (3) Training a staff of settlement officers to be employed permanently, or at least for a period of years on settlement duty, instead of drafting off to settlement work deputy or sub-deputy collectors, without experience in survey and settlement operations;
- (4) Reducing the number of fair copies of the records to be prepared, which now amounts to five.

With regard to these suggestions, the Government considers that it is not improbable that economy will be secured by placing the survey parties under the administrative direction of the Bengal Government without interfering with the professional supervision of the Survey Department in all technical matters, and taking advantage of the allowance sanctioned by the Secretary of State for officers of the junior division placed in charge of sections of parties. It will probably also be desirable that a certain number of young civilians should be trained before 1891-92 in the technicalities of survey and settlement work, and the Government of India will be glad to know whether his Honour the Lieutenant Governor can arrange to afford the necessary instruction in order that time and money may not be wasted by the employment of untrained men in the event of its being decided to commence operations in 1891-92. I am to ask that in reference to the principal objection raised by the Board of Revenue to the formation of a distinct Settlement Department, his Honour will consider to what extent and for what length of time it would be necessary to detach such officers from ordinary revenue duties. The Government of India approves of the proposals that the number of copies of the record should be reduced to a minimum, and that local agency, rather than up-country amins, should be employed as surveyors. It need not be decided at present by what means the results of the work should be preserved, or what form the village organisation should assume, provided the assent to this proposition is not held to imply any admission of the possibility that no means can be found for maintaining the maps and records hereafter. His Excellency the Governor General in Council still adheres to the hope expressed in the letter of June 1888 that a solution of this difficulty will be found during the inquiries in progress. I am to request that the Government of Bengal will, at the close of the present season, submit the revised estimate of cost after its mature consideration of the reforms suggested in the four directions enumerated above.

2. In reference to the survey of Court of Wards' estates, the Government of India is desirous that the policy should be upheld which requires the administration of those estates to be so conducted as to furnish an example to landlords throughout the province. If therefore the Government of Bengal considers that the survey of any estates can be conducted with sufficient economy to secure satisfactory results, the Governor General in Council would be glad to see encouragement given to a measure which is essential to the efficient management of all landed property, and to the well-being of the tenant population upon it. In another letter the attention of his Honour the Lieutenant Governor has recently been drawn to the undesirability of recourse to the certificate procedure for the recovery of rent in arrears upon Court of Wards' estates, until rents are ascertained with the certainty which follows from a survey and record-of-rights.

3. In conclusion I am to request that the correspondence alluded to in paragraph 4 of the Board's letter of 12th March 1889, and especially their letters No. 1099 A. of the 3rd December 1888, and No. 130 A. of the 9th February 1889, may be forwarded for the information of the Government of India.

I have, &c.
(signed) *J. W. P. Muir-Mackenzie.*

Enclosure 24 in No. 3.

Government of India.—Revenue and Agriculture Department.

SURVEYS.

Dated Simla, the 9th October 1889.

No. 509.—S.—88.—21.

OFFICE MEMORANDUM.

THE undersigned is directed to forward, in continuation of Office Memorandum No. 333.—45.—16, dated the 30th July, a programme of survey work for the ensuing five years which has been drawn up in consultation with the Surveyor General, after communication with Local Governments, and to add the following explanation of the programme and of the measures taken or proposed for the gradual contraction of expenditure on surveys.

2. It will be in the recollection of the Finance Department that in 1885 an examination was made of survey work which resulted in the conclusion that the only methods of securing reduction in the Survey Programme without throwing a large number of pensionary officials out of employ were :

- (a) By stopping admissions into the service.
- (b) By transferring parties from unremunerative to remunerative work.
- (c) By gradually reducing the number of parties.
- (d) By absorbing the Dehra Dun into the Head-Quarters Establishment.

3. To secure the first of these objects it was resolved that no recruitment for vacancies should be allowed except under the express sanction of the Government of India, and in accordance with this determination the Finance Department has not been invited to concur in the authorisation of any appointment until it was proved to be indispensably necessary for the immediate work of the department or for the maintenance in each grade of a sufficient number of duly qualified officers.

4. The substitution of remunerative for unremunerative work has been steadily carried out as was shown when the subject of survey work and expenditure again came under examination in 1887. On that occasion a provisional programme was prepared extending to 1891-92 in which it was estimated that on the completion of the extensive revenue surveys in the Central Provinces one party might be reduced in 1889-90, and another in the following year. But since that programme was framed circumstances have altered considerably. The local administration of Burma was then unable to arrange for the early commencement of operations in Upper Burma; but is now anxious for purposes of revenue assessment to have as many parties as can be spared. A large increase of revenue is expected to result from the extension of the survey; indeed it is believed that on an average the increments of two years will suffice to cover the expenditure on settlements. This department is therefore now constrained to recommend decidedly that, if only on financial grounds, the survey of Burma, which it was originally intended to prolong over a considerable period, should be completed as rapidly as possible. Again in Bengal there was in 1887 little prospect of the survey of the permanently settled districts being undertaken. This is not the case now. The subject is under the consideration of the Local Government, by whom definite proposals are promised shortly, which the Secretary of State has expressed his readiness to consider. This important work will afford employment to several parties for many years, of the cost of which it is hoped that a material portion will be recovered from the zemindars. A large number of Court of Wards' estates in Bengal are also being

being brought under survey at the expense of their owners, and the Local Government has taken up vigorously the survey of the large temporarily settled areas in Orissa, the Western Duars, and Chittagong.

5. Another direction in which this department has been able to secure financial as well as administrative reform is by combining topographical with forest surveys in Madras and Bombay, and by arranging that the officers of the Forest Survey Branch shall be placed on the Survey of India list, thus preventing the growth of what, there was reason to fear, might in time have become a separate Survey Department.

6. As a commencement in the reduction of parties which in 1885 numbered 25, one employed in topographical work was abolished, but the pressing requirements for survey in connection with settlement operations led to the constitution of another party. The total, therefore, continued to be maintained at 25 till last year, when a topographical party in Baluchistan (No. 16 on the list) was amalgamated with the other party placed at the disposal of the Military Department. One effective reduction has therefore been made.

7. In view, however, of the requirements of Burma and Bengal this department is unable to propose any such considerable reduction in the Survey Staff for some years to come, as had been intended. The only party which can in the opinion of this department be immediately dispensed with is the party numbered 1 in the list, which is now occupied in topographical work in the Punjab. Orders have been issued to break up this party, and its staff will be utilised to fill vacancies in or strengthen other parties. This makes a second effective reduction.

8. But while no further contraction of the programme can be looked forward to in the immediate future this department is using its best endeavours to extend the adoption of a system of survey by which cheap local agency is trained and utilised, and the out-turn of work increased at the same time that the cost rates are diminished. Under this system the higher officers of the junior division of the Survey Department are more largely employed in the work of supervision, and the area under the superior control of the several officers of the senior division is increased. A tendency has thus been introduced to diminish the percentage of officers in the staff of the senior division even while expanding the programme of operations and, as explained in the communication quoted in paragraph 1 of this memorandum, some restrictions in these appointments have already been made in consequence of this reform. The Secretary of State has been asked to sanction charge allowances to subordinate officials with a view to minimising the percentage of senior division officers, and it is represented that if this policy were not adopted it would be actually necessary to ask for an increase of parties.

9. The following table presents the five years' programme in abstract form, and it will be seen that the large number of parties released from the Central Provinces will, as already indicated, be absorbed by Burma and Bengal.

	1889-90.	1890-91.	1891-92.	1892-93.	1893-94.
Punjab - - - - -	1	1	1	1	1
Central Provinces - - - - -	2	2	1	1	1
Bengal - - - - -	3	4	5	5	5
North-Western Provinces and Oudh. - - - - -	1	—	—	—	—
Assam - - - - -	1	1	1	1	1
Burma - - - - -	7*	7*	7*	7*	7*
Bombay - - - - -	2	2	2	2	2
Baluchistan - - - - -	1	1	1	1	1
Madras - - - - -	1	1	1	1	1
Scientific - - - - -	4	4	4	4	4
TOTAL - - -	23	23	23	23	23

* Exclusive of one scientific party employed on triangulation.

It will of course be understood that this allocation of parties is subject to re-consideration as work progresses.

10. Turning now to the work to be done at the conclusion of the five years programme the undersigned is directed to say that the calculation depends mainly on the decision which may ultimately be adopted regarding the survey of the permanently settled districts in Bengal, and that no definite estimate can be framed until that question is settled. In the five years' programme provision has only been made for a beginning in this work, but as already stated, there are grounds for assuming that if satisfactory proposals, especially in respect to the recovery of the cost, are submitted by the Government of Bengal, the project will be undertaken. The Surveyor General's estimate is that for its completion ten parties will be required for fifteen years.

In several districts of the North Western Provinces and Oudh, of which the settlement is impending, the village maps have become inaccurate, and require to be reconstructed by village agency on a scientific frame-work provided by professional parties. This may give five parties occupation for ten years. The necessity for so large a force is, however, at present doubtful.

The Forest Surveys will probably have to be continued for ten years after the five years ending 1893-94, and will require four parties.

Finally the Surveyor General estimates the area demanding topographical surveys at over 100,000 square miles, an area which represents the work of seven parties for ten years.

Thus employment is forthcoming for ten years or more (beyond the immediate term of five years, *i.e.*, from October 1894) for 27 parties as follows :—

Forests	-	-	-	-	-	-	-	-	-	4 parties.
Topographical	-	-	-	-	-	-	-	-	-	7 "
Bengal	-	-	-	-	-	-	-	-	-	10 "
North-Western Provinces	-	-	-	-	-	-	-	-	-	5 "
Military Department, Baluchistan Frontier	-	-	-	-	-	-	-	-	-	1 party.
Total										27

11. The number of parties in the department, deducting the Punjab party, now reduced, is (exclusive of four employed in scientific work) 19. It has been ascertained by personal conference between the Secretary in this department and the local officers in Burma, that, exclusive of the trigonometrical party, the Province will probably require six parties for 10 years from the present date, or five years from 1894. In other words, the number of parties which would be required by the estimates in paragraph 10 to fulfil the programme which would occupy the department for 10 years is nearly 50 per cent. above its present strength.

12. It is under these circumstances clear that it would be unadvisable to reduce the Survey Department materially at present, although if the projected survey in Bengal should not be sanctioned the whole question will require reconsideration. But assuming that the Bengal survey will have to be undertaken it is equally clear that such restriction must be placed on the programmes of future years, as to allow of the gradual contraction of the Survey Department from some given date, in order to prevent a sudden reduction of any considerable section of the department becoming inevitable. Looking at all the circumstances, it is the opinion of this department that from the present date a party may be reduced every fifth year, until the department has reached a limit of say 15, or such other number of parties, as may be hereafter decided to be required for military and political purposes as well as for forests and the continually arising needs of administration. This department will be glad of the assistance of the Finance Department in drawing up a scheme for regulating appointments on this basis, either by compulsory retirement of officers or by the stoppage of recruiting only. In the meantime it is presumed that the term of 40 years deduced from a quinquennial reduction to 15 parties will enable a forecast of recruitments to be made for at least 10 years.

13. It remains to explain the action taken by this department to absorb the offices at Dehra Dun into the head-quarters' establishment. The offices at Dehra consist

consist of a drawing office, where trans-frontier and confidential maps are prepared; of a photo-zincographic branch for the printing of maps; and the trigonometrical office. It is being arranged that the drawing office should be transferred to Simla where it will be placed under an officer of the Intelligence branch of the Quartermaster General's Department by which the change is advocated. A portion of the photo-zincographic branch will be similarly transferred, the remainder being sent to the head-quarters offices at Calcutta.

As regards the Trigonometrical Office the Surveyor General estimates that there is an accumulation of work sufficient to occupy the establishment for six years. This department is in favour of an immediate removal of the office, but as the Surveyor General deprecates this step, he has been offered the alternative of submitting a scheme which will enable the work to be brought to a close in four years at farthest, and should this not be feasible it is the intention of this department to press for the removal of the office to Calcutta. It is believed, however, that the Surveyor General will be able to accept the alternative proposal.

The Finance Department.

E. C. Buch.

— No. 4. —

From the Secretary of State for India in Council, to the Governor General of India in Council.

Revenue No. 18.—India Office,

My Lord Marquis,

20 February 1890.

I HAVE considered with interest the papers received with your Excellency's letter, No. 1, dated 7th January (Revenue), concerning the prosecution of the survey and record of rights in Behar. I am glad to learn that it is proposed to carry on this important work as soon as the people recover from the loss caused by the scarcity of 1889. It is satisfactory that the Government of Bengal expect the cost of the work to fall below the sum, eight annas per acre, first estimated. I have no doubt that your Government will arrange for the diligent prosecution of the undertaking as soon as the circumstances of the country permit.

I have, &c.
(signed) *Cross.*

— No. 5. —

From Government of India (Revenue and Agricultural Department) to Her Majesty's Secretary of State for India

My Lord,

No. 85 of 1891.—Dated 28 October 1891.

In a Despatch, No. 18 (Revenue) of the 20th February 1890, your Lordship expressed an expectation that the project of the Behar Survey in Bengal would be renewed as soon as the circumstances of the country permit.

2. We have now the honour to enclose correspondence with the Lieutenant Governor of Bengal, from which your Lordship will gather that we have sanctioned the revival of the scheme; and, in view of the ascertained desire of Sir Charles Elliott to announce this fact at once in order to invite open discussion with himself during his approaching tour in Behar, we have permitted him to accept our sanction in regard to the renewal of the survey as conclusive.

3. We shall, however, submit, for your Lordship's confirmation, any conclusions which we may form on Sir Charles Elliott's final proposals for the recovery of the expenditure from the landholders and ryots.

We have, &c.
(signed) *P. P. Hutchins.*
D. Barbour.
A. E. Miller.
H. Brackenbury.
R. C. B. Pemberton.

Enclosure 1 in No. 5.

REVENUE DEPARTMENT.

From *C. E. Buckland*, Esq., Officiating Secretary to the Government of Bengal, to the Secretary to the Government of India.

Sir,

No. 883 L.R.—9 July 1891.

WITH reference to the correspondence ending with the Revenue and Agricultural Department's memorandum No. 41—24—4 R., dated 14th April 1890, on the subject of the survey and record of rights in Behar, I am directed to submit, for the consideration and orders of His Excellency the Governor General in Council, the following proposals for the resumption of the work.

2. Before proceeding to lay the Lieutenant Governor's views before the Government of India, it is desirable to recapitulate briefly the previous history of the question, and to show how the present state of the case has been arrived at. Soon after the Bengal Tenancy Act came into force in November 1885, Mr. E. W. Collin, c.s., was appointed, as an experimental measure, to make a settlement and prepare a record of rights of a portion of the Muzaffarpur district, the cadastral survey of the tract of country being carried out by Colonel Barron of the Survey Department. The late Lieutenant Governor, in submitting Mr. Collin's final report on this work to the Government of India, considered that there was good reason for extending the process to other tracts where uncertainty as to existing rents prevailed. The Government of India, in your letter No. 433—39—2 R., dated 16th June 1888, concurred in this view. After communicating with the local authorities and the board of revenue, Sir Steuart Bayley, in my letter No. 3343—1123 L.R., dated 3rd September 1889, advocated the survey settlement of the whole Patna Division (with power to exempt particular tracts for special cause shown), the work to be re-umed when the effects of the scarcity of 1889 had passed away. In your office letter No. 84C., dated 2nd January 1890, it was intimated that survey parties had been provisionally reserved for employment in Bengal upon the supposition that the Behar survey would be commenced in 1891-92, but that no final decision would be given authorising this survey until the question of cost and the share which it is proposed to accept on the part of Government is more precisely determined. The Government of India asked (1) whether this Government could arrange to afford the necessary instruction to some young civilians in survey-settlement work, so that time and money might not be wasted by employing untrained men in the event of its being decided to commence operations in 1891-92; (2) to what extent and for what time it would be necessary to detach such officers from ordinary revenue duties; (3) for a revised estimate of the cost.

The Board of Revenue were desired to report on this letter of the Government of India, and a copy of their reply,* with enclosures, is herewith submitted. Meanwhile, the Secretary of State, in his Despatch No. 18, dated 20th February 1890, expressed his wish for the resumption of the survey-settlement as soon as the circumstances of the country permitted.

3. From this reference to the previous correspondence, it will be seen that Sir Steuart Bayley, whose long experience of the Patna Division and connection with the Bengal Tenancy Act entitled him to speak with special authority on such a subject, gave a strong and deliberate opinion in favour of this survey-settlement in spite of the expense and the opposition sure to arise out of the measure, that the Government of India, while appearing generally to agree in that opinion, suspended their final judgment on the matter till a more accurate estimate of the cost could be given, and that the Secretary of State gave a decided approval to the scheme, but without any distinct weighing of the arguments that had been or might be advanced on both sides of the question.

4. Sir Charles Elliott considers that it is now his duty to warn the Government of India of the extreme seriousness of the decision which is about to be

be taken in the matter. Personally speaking, he agrees with all that was said by his predecessor as to the advantage, and, he may say, the absolute necessity of such a survey-settlement, if administration is to be conducted with complete and accurate knowledge of economic facts, if famine is to be successfully dealt with when it comes, and if the relations of landlords and tenants are to be put on a secure and definite basis by the authoritative registration of areas held and rents fixed. The experience gained in his Honour's past career, both as a settlement and survey officer in two provinces, and as secretary to the Indian Famine Commission, leads him to attribute the greatest importance to these considerations. At the same time, however, he must not conceal his apprehension that the introduction of the survey-settlement into Behar may possibly be resisted with vehemence, and is almost certain to entail much unpopularity on the Government. It is true that the notion of such settlement is not unfamiliar to the people of Behar. A survey and record of some of the rights involved was begun by Mr. Finucane in the Darbhanga estate when it was under the Court of Wards, and was carried on afterwards by him as manager for the Maharaja. Similar work was done in the Hatwa estate under Mr. Hodgkinson's management, and carried to completion by the Maharaja when he came into power; and some surveys have been made in the Bettiah estate. But still the compulsory inception of a general survey and settlement is certain to be regarded with apprehension and dislike in many quarters, and these feelings will be increased by the distrust with which the zemindars are believed to regard the intentions of Government in the matter. The facts that tenures are uncertain, that rights are unrecorded, that competition for land is pushed to an extreme point by the enormous pressure of an agricultural population of nearly 800 to the square mile, give abnormal power to the strong over the weak, and this power has been exercised by bad landlords in the form of illegal oppression and illegal enhancements of rents. The Government of India are well acquainted with the forcible and famous language in which Sir A. Eden, in his resolution on the management of the Darbhanga estate under the Court of Wards, wrote of the existence there of the same kind of rack renting, the same ignoring of ryot-right, the same unwillingness to recognise occupancy tenures, the same resort to illegal restraint, that have been found and condemned in every district of Behar. It would be irrational to suppose that bad landlords will, without resistance, see a measure undertaken which will cripple their power and stop their illegal actions; and even good landlords will not unnaturally dread that some restriction of non-illegal powers may follow, and shrink from the cost which the settlement operations will entail. As to the indigo-planters, the majority will, it is thought, be in favour of the settlement. They will all feel that there is a distinct advantage in recording the rights and tenures of the ryots, so as to show them accurately with whom they have to deal, and what is the real value of the leases of the villages which they obtain from the landlords. Those who have obtained permanent rights, whether as holders of estates paying revenue direct to Government, or as lessees at fixed rents under the proprietors of such estates, will, it is believed, accept the survey with no serious objection, except such as will arise from the knowledge that they will have to pay the bill. Those, however, who hold under temporary leases may fear that the effect of a survey will be that their leases will only be renewed at enhanced rates, if the results of the settlement tend to increase the rent-roll, while, if they are in favour of the ryots, allowance must be made at once by the planters to the ryots, and no corresponding allowance will be granted by the lessors till the expiry of the lease, if then. Some again are, it is believed, so intimately connected with the landlord interest that they will probably oppose the measure from the same motives as those which are expected to influence the zemindars. Lastly, the ryots, though the effects of the settlement will on the whole be to their advantage, can hardly be expected to realise this, or, if they do appreciate their value to them, to take any active steps to show their adhesion; with many of them the immediate value will outweigh the ultimate gain. Moreover the settlement will probably lead to an increase of the rents now paid by the most influential among them, and its introduction will disturb their minds with apprehensions. It is quite possible that some opposition to the general measure may come from them, and it is still more likely that they may resent the intrusion of the amins and resist it by petty and local outbreaks.

5. It thus appears that, of the three classes of interests involved, two are very powerful and well able to make themselves heard: of these, the zemindars will be decidedly and perhaps actively hostile, but the planters will be much divided, and though perhaps the majority may be favourable to the operation, a considerable section will oppose it. The ryots will be too weak to exercise much influence on public opinion, and some of them may be disposed to oppose it in the manner suggested above. The Government must, therefore, be prepared for much discontent and opposition, and possibly for agitation, which will take every constitutional form, and may even not scruple to transgress such forms, in order to put a stop to the operations contemplated, or, if that cannot be done, to procure exemption from bearing a share in the expenditure. The decision to begin a survey and settlement of Behar cannot therefore be come to with a light heart, or without fully considering the possible cost.

6. But while the Lieutenant Governor thinks it right thus to warn the Government of India of what may be the immediate result of this measure, his Honour is ready to take his full share of the responsibility, and to declare in the most distinct manner that he thinks that the results will be worth the cost. It is the only way in which Government can give full effect to the principles laid down by the Bengal Tenancy Act as to the rights of the different classes of ryots, by creating an accurate record of those rights, and establishing a system for registering them in future. It is a necessary corollary to the Permanent Settlement, and has been admitted to be such in the adjoining districts of the Benares Division of the North-Western Provinces; and Sir Charles Elliott does not think it right that the agricultural classes of Bengal should rest any longer under a disability which attaches to them in no other part of India, and should have no accurate and permanent record of their mutual relations.

7. Sir Charles Elliott thinks it necessary to express this opinion the more emphatically, because the Board of Revenue, in paragraphs 16 to 19 of their letter of 28th May 1891, have summed up this part of the discussion in a very uncertain tone, and would probably, if it were left to them, decide to abandon the project. His Honour recognizes the authority, second only to Sir Stuart Bayley's, with which the Hon'ble Mr. Halliday speaks on all matters concerning Behar, and he gives full weight to his apprehension as to the unpopularity of the survey-settlement and the opposition with which it will be met. The Lieutenant Governor, however, does not think that Mr. Halliday's experience enables him fully to appreciate the advantages which a regular settlement confers on all the parties concerned, and it is because of the high value which his Honour places on them that he holds that the balance of considerations inclines in favour of, and not against, the carrying out of a survey and settlement.

8. It follows as a direct consequence of these views that the Lieutenant Governor does not agree with the suggestion contained in the 19th paragraph of the Board's letter that the survey-settlement should be confined to those estates in which uncertainty as to rents is proved to exist on the "evidence of constant disputes between the landlords and tenants." It appears to him to be proved, on the authority of Sir A. Eden and Sir S. C. Bayley, that such uncertainty, and worse evils still exist on all estates, and that the remedy should be as universal as the disease. It is hardly necessary to add that the work will be both cheaper and better done if carried out continuously over the whole face of the country than if done piecemeal and confined to scattered estates.

9. There is a somewhat cognate suggestion in the Board's 13th paragraph, where they refer to the large number of partitions lately carried out in the Muzaffarpur and Darbhanga districts as reducing the necessity for a general survey, and they would presumably argue that such areas do not need a re-survey. But this argument seems to overlook the fact that though in each partition case there is some sort of non-professional field measurement, it is believed to be somewhat inexact, and it is carried out under no sort of scientific supervisor or check. The proceedings are undertaken for a special purpose, which by no means covers all the objects of the measure now under consideration.

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The ryots are not parties to the case, and are not bound by the record made, either of their rights or of the rents due from them.

10. Turning now from the discussion of general principles to the special question of cost, on which the sanction of the Government of India to the introduction of a survey-settlement is made, by your letter of 2nd January 1890, to hinge, I am to say that the Lieutenant-Governor accepts the facts and conclusions contained in paragraphs 6 and 7 of the Board's letter herewith enclosed, and is of opinion that the entire charge cannot be safely taken at less than 8 annas an acre. This charge has to be divided into three parts. The Government of India, it is understood, are willing to pay the cost of all traverse surveys. The Director estimates the cost of such survey in Behar at Rs. 40 per square mile, or one anna an acre. It has been ascertained from the Deputy Surveyor-General that the actual cost of traversing, including stone-embedding in Mr. Collin's Muzaffarpur survey was Rs. 43 per square mile; the rate of Rs. 40 per square mile may, therefore, in the Lieutenant-Governor's opinion, be accepted. As pointed out in paragraph 10 of the Board's letter of 28th May 1891, Government may also have to bear such charges as could not be recovered from the zemindars or ryots; but it may be hoped that, by taking proper measures, these non-recoveries will be reduced to a minimum, and the additional stamp duties ought to amount to no small sum. This will leave about 7 annas per acre to be shared between zemindars and ryots. There need be no hesitation with respect to the cost which the operations will entail on Government: they will be distributed over a series of years. As to the recovery of the remainder of the cost, the main question is as to the adjustment of the proportion of the cost between the landlords and the tenants. It will be observed that the Director, though he originally suggested, on the 14th September 1887, that the cost should be equally divided between zemindars and ryots, now proposes in paragraph 21 of his note, dated 2nd January 1891 (a copy of which is annexed to the Board's letter of 28th May 1891), that the remainder of the cost (i.e., after deducting the charge on Government for the traverse survey) should be levied, two-thirds from the zemindars and one-third from the ryots; and the Board support him on the ground that the landlords are presumably in a better position to bear the cost. But the main point in the Director's argument, in advocating the Behar survey, is that the Behar ryot is so rack-rented and subjugated that his interests should be protected by a survey. If, therefore, the survey is recommended for this object, the persons to be benefited ought to pay the greater, rather than the lesser, share of the cost. The Board's argument that the landlords are better able to bear the cost, and therefore should pay more, is not really the dominant consideration: the parties should pay according to the benefits to be received. The law (section 114 of the Bengal Tenancy Act) provides that the Local Government shall determine the proportions with regard to all the circumstances of each case, and there may be special circumstances which will in certain cases render an alteration of the proportion necessary; but, as a general rule, the Lieutenant-Governor would propose that the cost should be equally divided between the zemindars and the ryots. It seems to His Honour that the former would have a distinct grievance if they were compelled to pay twice as much as the latter, and that Government will avoid arousing a certain amount of opposition by dividing the cost equally between them.

11. The incidence of cost on the ryots under this ruling, taking each ryot's holding on an average at three acres, will be 10½ annas, and this sum should probably be connected in one payment, taking care that the demand is not made in a year when there has been any serious deficiency in the crop. In the case of proprietors, the area of their holdings differs so greatly that it serves no useful purpose to state what the average amount will be; but Muzaffarpur is not a district of great zemindars, and it is not likely that any crushing payment will have to be demanded from any individual. In their cases no doubt the demand will be collected in instalments, and these should be more numerous and should cover longer periods in the case of large amounts. Apportionment will no doubt have to be made between the different classes who share proprietary rights. For instance, in the case of a lease held by a planter, it will be necessary to decide in what proportions the lessee and lessor should pay. It would be manifestly unjust that the holder of a temporary lease should pay on the same scale as one who holds a permanent lease.

12. The total cost of the survey-settlement of the whole Behar Division is estimated by the Board in their eighth paragraph at 75½ lakhs of rupees, but the Lieutenant-Governor proposes to deal only with North Behar for the present. It is there that the need for survey settlement is most urgent. In South Behar the population is less congested, and a great proportion of the tenures are metayer, a state of things which implies that the relations of the two classes are still based more on custom than on competition, and which does not admit of so much complaint of illegality and oppression as exists in the more crowded and higher rented districts of North Behar. His Honour would, therefore, contemplate the project as consisting of the survey-settlement of North Behar only for the present, an area of 12,500 square miles, or work for five years for two survey parties, costing about Rs. 40 lakhs, of which about Rs. 5 lakhs will fall on Government, about 17½ lakhs on the zemindars, and about the same amount on the ryots. Some deduction may be anticipated from this total figure of 40 lakhs, as arising from the work already done in Muzaffarpur, detailed below in my 17th paragraph, and also from the rough surveys already carried out in the Darbhanga, Hatwa, and Bettiah estates. As far as possible these surveys will be utilised, but, till the maps and records have been tested, it is impossible to say whether they will obviate the necessity of a re-survey or not. Under any circumstances they ought to do something towards making the work easier than it will be in an altogether unsurveyed country.

13. If the Government of India is not disturbed by these figures, or by the prospect of local opposition to the payment of such a charge, but believes with the Lieutenant-Governor that the different parties affected will receive good value for their money, then it may be assumed that the decision of His Excellency the Viceroy and Governor-General in Council will be in favour of undertaking the survey settlement, and the Government may go on to consider how the work can best be performed.

The proposals before this Government, as formulated by the Director of Land Records, are—

- (1.) That the survey of the Muzaffarpur district be resumed by a professional survey party next cold weather;
- (2.) That an attempt be made to train the patwaris registered under Regulation XII of 1817 in the Bettiah subdivision to survey, under a selected subdivisional officer, assisted by an assistant surveyor.

The Board do not support (2), but recommend the resumption of the survey in Muzaffarpur if the general survey of the division is to be proceeded with.

14. It does not, however, seem possible that the survey party can be efficiently started in Behar in the beginning of the next working season. It is essential to economy that the survey party should enter upon the work fully equipped and with all preparations made, on or soon after the 1st October; otherwise the amount of field work done is curtailed and the cost of the establishment which has to be kept up in the recess bears an undue proportion to the acreage surveyed. Now, considering the date at which this letter is written, and the possibility that His Excellency the Governor-General in Council may desire to consult the Secretary of State before entering on so important an undertaking, it does not seem likely that orders will be received on the subject in time to start work in the manner described at the beginning of October. Moreover, Sir Charles Elliott has learned, in conference with Colonel Strahan, that Colonel Sandeman has gone on leave to England, and will not be back before the middle of October; and that, for other departmental reasons, it would be impossible to provide a party of full strength for Behar next October without weakening the parties in other Provinces. Sooner than impair the efficiency of the work and increase its cost, the Lieutenant-Governor would prefer to postpone its inception for a year. The programme which he would submit for the approval of the Government of India is as follows:—Colonel Sandeman should join the Orissa survey at the beginning of the next season, taking over Mr. Patterson's half party, and bringing it up to full strength; he will probably be able to turn out the full area of 1,250 square miles required to be surveyed in the season. Later on, say in January 1892, a small traverse party might be sent to Behar to go over

over the unfinished work described in paragraph 17 below, and prepare more traverse survey for the use of the cadastral parties. In October 1892, Colonel Sandeman would break ground in Behar with a strong survey party capable of working at the rate of 1,250 square miles a year.

15. With regard to the question of employing patwaris in the manner suggested, *i.e.*, that, after undergoing some training in practical cadastral surveying, they should be employed to carry out the survey of their own villages, I am to say that the Lieutenant-Governor is very doubtful whether there would be any perceptible economy gained by this course in the cost of actual measurement and preparation of the records. The circumstances of the province are not similar to the North-Western Provinces and Central Provinces, where a disciplined and organized body of patwaris exists. Here the patwaris are neither the one nor the other. It is doubtful how far Government has legal power to compel them to carry out a survey at all, and this question has been examined by its legal advisers. The opinions received from the Legal Remembrancer and the Assistant Secretary in the Legislative Department, of which copies are enclosed, are unfavourable to Mr. Finucane's proposals to utilize the patwaris on survey work. The difficulty might be got over by fresh legislation; but His Honour as at present advised would not recommend this course. In the first place the agency is extremely distrusted by the zemindars and planters. If anything will reconcile them to the survey, it will be a belief in its accuracy, and a great change in public feeling will have to take place before the patwaris' work will be trusted. In the second place, even should it be decided that the patwaris can be used as Mr. Finucane proposes, it is certain that the task of breaking them into discipline and to a new state of organisation would be difficult and slow. There are many villages in which no patwari exists; many in which there is more than one patwari representing the several interests of different proprietors: in these cases it would be a work of time to appoint a single capable patwari for the work. The Government would have both the patwaris and the proprietors against it. It would have to pay the salary of a substitute to carry on the patwari's own work, and putting this together with the cost of training-schools, and the slowness of unwilling work, the Lieutenant-Governor considers that it may be clearly anticipated that the total expenditure would not be less than on a body of paid amins, especially if local men can be hired who are competent for the work. Even if it is necessary to employ amins from the North-Western Provinces, who are well-trained and quick workers, they would not be hampered here as elsewhere in Bengal by the language difficulty, as they would perfectly understand the vernacular of Behar, and would probably be able to write their records in Hindi.

16. My instructions are to submit these views of the Lieutenant-Governor as based upon the information he has received and subject to correction in the light of further experience. The benefits of what has been done in the way of utilizing and training patwaris in the Central Provinces and the North-Western Provinces are so conspicuous, that Sir Charles Elliott would not readily decline to follow in the same course or assert that what has been achieved elsewhere cannot be carried out in Bengal. The subject will be kept in view, and it is probable that, at the end of the first year of the working of a professional survey under Colonel Sandeman, much more information will have been obtained as to the possibility of introducing this scheme. If tried at all, His Honour accepts the Director's proposal to try it in the Bettia sub-division; and, if it is found to be effective and economical there, it can be extended to other parts of the Division. It would, however, be necessary to take time to start a survey on this system, and it could not be begun before the season of 1893-94.

17. Meanwhile, the Lieutenant-Governor proposes that Colonel Sandeman should start the work in Muzaffarpur, and take up the unfinished remains of the experimental survey under Mr. Collin. The Board and the Director of the Department of Land Records and Agriculture recommend this, and everything points to the resumption of the survey settlement operations in this portion of the country. A large amount of preliminary work has already been done in this district, the details of which are as follows:—

Trijunction pillars erected	-	-	-	-	-	1,121 Sq. miles.
Boundaries demarcated by settlement officers	-	-	-	-	-	566
188.						Professional

Professional survey of boundaries, or traverse survey	700	Sq. Miles.
Cadastral survey - - - - -	413	"
Records of villages made over to settlement department	300	"
Attestation and record of rents - - - - -	155	"
Settlement proceedings completed - - - - -	88½	"

The threads of a very large proportion of this work could no doubt easily be picked up.

18. With regard to the training of young civilians in survey settlement work, I am to say that Sir Steuart Bayley found himself unable to depute any junior men for this class of training on account of the pressure of the wants of the general administration. Sir Charles Elliott has with difficulty been able to detail two young civilians and two statutory civilians to this branch of work this year; but he would be unwilling to put any of them in charge of so difficult an independent task as that of a settlement officer till a year later. Next season he hopes to depute two more officers to learn settlement work, and gradually to train up a body of competent settlement officers, but the extreme pressure of other work, and the extent to which the number of civilians in the Lower Provinces of Bengal has been reduced below the fixed cadre strength, has placed great difficulties in the way. Fortunately Colonel Sandeman is an officer of such exceptional ability and qualities, that it is less necessary to attach a settlement officer to him than it would be to anyone else; and the Lieutenant-Governor will be quite content that he should start the work with combined powers of survey and settlement. If, however, by that time any settlement officer is considered to be sufficiently trained, he will be attached to the party in the course of the winter of 1892-93.

19. It remains to deal with the important question of how the settlement records, once made, should be kept up. Sir Charles Elliott would not go so far as to say that the records will be valueless if not kept up, since he has been much struck by the immense value set by the people of Orissa and Chittagong on their survey records of 1833-41 and 1841-48 respectively, which, antiquated as they are, are still treated as a sort of Domesday Book, to which all claims and titles are referred. It is, however, in the highest degree desirable that the records should be kept up, if possible, and his Honour does not think that the difficulties to this course are insuperable; though the action of Government has hitherto been limited by the Secretary of State's refusal to impose any patwari cess for the purpose.

20. A general history of the Patwari Bill, which was introduced into the Bengal Legislative Council, on the 31st January and 14th February 1885, but had to be abandoned under the orders contained in the Secretary of State's Despatch, No. 21,* dated 15th July 1886, was given in this Government's letter, No. 1011-409 L.R., dated 23rd March 1886, to the Government of India. In the 15th paragraph of that letter, it was stated that no amount of supervision would be of avail in making out of the existing patwaris a trustworthy village agency such as we require. In this Government's letter, No. 2601-996 L.R., dated the 18th December 1886, allusion was made to the persistent opposition exhibited by the zemindars to the patwari system, though at the same time it was pointed out that if a decision of the High Court, which had laid down that the levy of the patwari *neg* or *hisabána* by the zemindars from their tenants was illegal, should be confirmed by the Privy Council, and be interpreted as precluding zemindars from levying the patwari's dues, it might be possible, by offering to legalise the present cess, to secure the consent of landowners to measures for the improvement of the patwari system. This decision has been upheld* by a full bench of the High Court and by the Judicial Committee of the Privy Council. In paragraph 8 of this Government's letter, No. 283-116 L.R., dated 25th January 1888, reporting on the experimental survey in Muzaffarpur, Sir Steuart Bayley observed that the stopping of that survey followed the withdrawal of the Patwari Bill as a necessary consequence, and that one of these proposals could not be consistently revived without the other being disposed

* Copy forwarded with the Revenue and Agricultural Department's letter, No. 603 R.-27-11, dated 3rd September 1886.

* Case of Tilukhdari Singh and others *versus* Chulhan Mahton, I. L. R., Cal. Series, Vol. XVII., Part II., pages 131-37.

Radha Prasad Singh *versus* Bal Kewar Koria, I. L. R., Cal. Series, Vol. XVII., Part IX., pages 726-769.

disposed of at the same time. It is hardly suitable to draw out a complete sketch of a future patwari system in this place for the reasons stated above in my 15th paragraph. Sir Charles Elliott may, however, say now that he does not contemplate creating a patwari system exactly on the lines of that prevailing in the North Western Provinces. In a permanently settled district, where the Government has no direct financial interest in maintaining a correct rent roll as the basis of future re-assessment, it is not essential that Government should intervene to keep up an accurate record of the collections and arrears of rents; it is only necessary that the mutations in tenures and in rent demand should be maintained. Where one man can do the former work in, say, two square miles, he can probably do the latter work in say, 20. His Honour's idea, therefore, would be to create a body of men above the zemindar's village patwaris, who might be called kanungos or land registrars, and whose work would be solely to register changes of names among the proprietors, tenure holders, and ryots, and changes in the rent when authorised by a court of law or carried out by mutual agreement. The cost of such a staff, the Lieutenant-Governor thinks, should be met by fees, a small fee being charged for every mutation voluntarily registered, and a heavy one for every case in which registration has been omitted. But his Honour only suggests this rough sketch of a plan in order that it may not be supposed that the necessity of some system for maintaining the record has been overlooked; and he proposes to submit the plan in fuller detail to the Government of India when further experience has been obtained.

I have, &c.,
(signed) C. E. Buckland.

Enclosure 2 in No. 5.

From C. W. Bolton, Esq., Officiating Secretary to the Board of Revenue, Lower Provinces, to the Secretary to the Government of Bengal (Revenue Department). No. 374A., dated Calcutta, 28 May 1891.

I AM directed to submit the following report, in compliance with Mr. Carnduff's letter No. 301-87 L.R., dated the 24th January 1890. In explanation of the delay which has occurred, I am to say that the report of the Director of Land Records, in the form of a note, of which a copy is herewith submitted, was not received until the 5th January last, and that the Commissioner of Patna was then requested to favour the Board with his views on Mr. Finucane's proposals, but his report, a copy of which is also submitted, did not reach this office until the 1st instant.

2. It will be convenient to take up the points in connection with the resumption of the Behar survey in the order in which they are discussed in Mr. Finucane's note. The first point is the cost. In paragraphs 4, 5, 6 and 7 of his note, Mr. Finucane explains that his previous estimate of $6\frac{1}{2}$ annas per acre depended on conditions which have not been completely fulfilled. On this subject it seems unnecessary to dwell at any length. The Board presume that there is no intention of modifying the orders conveyed in the letter from the Government of India, No. 342, dated the 24th March 1890, with regard to the subordination of the officers of the Survey Department to the Local Government. The question whether local agency can be utilised in Behar will be considered further on in connection with Mr. Finucane's suggestions. The creation of a separate settlement staff for the Province is a matter on which the Board have on a previous occasion expressed their opinion (*vide* their No. 225A, dated the 12th March 1889). It rests with the Government to decide whether, with due regard to general administrative requirements, a larger number of the junior members of the Civil Service can be removed from ordinary duties for exclusive employment on settlement.

3. Mr. Finucane discusses the question of cost in paragraphs 8 to 15 of his note. The Board entirely agrees with him that the conditions under which the survey would have to be carried out in Behar altogether preclude the possibility of reducing the cost to the rate at which surveys have been done in the Central Provinces. The reasons given for his opinion are so clear and conclusive that it seems useless to discuss the matter further. It remains to be

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considered, then, whether the higher cost of a purely professional survey cannot be avoided by the adoption of a less expensive plan of work, or, in other words, whether the services of the patwaris cannot be utilised for the cadastral work, the Survey Department being employed for the traverse work alone. On this question of the utilisation of patwaris, the Collector of Chumparun has reported fully, and attention is invited to his report, a copy of which accompanies the Commissioner of Patna's letter. The Director has limited his proposal in the first instance to the sub-division of Bettiah; but as he contemplates the employment of patwaris elsewhere, should the experiment in Bettiah prove successful, the question must be discussed with reference to the whole of Behar. The success of the experiment in Bettiah might not necessarily mean its success elsewhere, and it would be useless to make the experiment there if it is not to be extended to other parts of Behar.

4. It is in the first place necessary that the patwaris should be at the disposal of the Government. Mr. Gibbon, Manager of the Bettiah Raj, thinks that no opposition would be raised to the training of patwaris, and the Collector of Chumparun agrees with him. The Board are disposed to doubt, however, whether the same readiness would be met with in other parts of Behar. Zemindars who do not wish for the survey would not co-operate; if they do not actually prevent the patwaris from joining the training classes, and the patwaris themselves, many of whom are well-to-do and most of whom are indolent, are not likely, as a general rule, to submit themselves to the course of training, except under compulsion. It is necessary, therefore, in the second place, to decide whether the requisite compulsion can be exercised, that is whether the patwaris can be legally required to undergo training and qualify themselves in practical surveying on pain of dismissal if they refuse. On this point the Legal Remembrancer may be consulted, if after perusal of this report the Lieutenant-Governor is not satisfied that the attempt to utilize the patwaris should not be made. It is not clear, although patwaris now occasionally measure lands in their villages, that surveying is one of their customary duties. It does not appear that a knowledge of surveying has ever been laid down as a condition to their appointment, and those already in office may urge with much force that, if they have hitherto been permitted to hold their appointments, without being required to show proficiency in measurement either by the native or by the English method, surveying cannot be deemed to be one of their customary duties. The director thinks that it will probably be possible to get the patwaris to learn surveying and agree to work, but only on the condition that the zemindars of Behar are given distinctly to understand that the Government is determined to carry out the survey, and that it is, therefore, their interest to place a cheap agency for the work at its disposal. The Board apprehend, however, that the Government will not desire to use compulsion in this matter unless it can legally demand the assistance of the patwaris. If surveying is not one of the customary duties of the patwaris, they will certainly not be liable to dismissal because they refuse to learn, or are incapable, as many of them would be, of acquiring the requisite knowledge. As regards the zemindars, apart from any objection which they might have to their estates being brought under the operation of Chapter X of the Tenancy Act, the chief reason which is likely to lead them to oppose the employment of their patwaris in the survey is the fact that they would be deprived of their services, and would be constrained to employ substitutes. The Board assume that the Government would not be prepared to meet the cost of these substitutes, as no pecuniary advantage would in that case be gained by the utilization of the patwaris for the survey, and the expenditure would, therefore, fall on the landlords, while at the same time they would generally have an inferior set of men. Among the patwaris themselves the Board have little doubt that there would be much unwillingness to undertake the duties of amins. The older men would object on the ground of age; and indolence, their private occupations chiefly as cultivators, and the smallness of the pay, would render all more or less averse to accept work on the survey.

5. In the Board's opinion, then, it is doubtful whether the services of the patwaris would be available for the survey; but assuming that they can be procured, it is still a matter for consideration whether it is advisable to utilise them. Reference has already been made to the indolence of the patwaris as a class, but they are also notoriously dishonest; and interested as they are, whether

whether personally or through their relatives, or as the zemindars' agents in all that concerns the land in their villages, it is manifest that they are a most untrustworthy agency for employment in the survey. The Board are inclined to think, therefore, that the economy secured by their employment would be dearly purchased. Notwithstanding the supervision under which they would be placed, much careless and inaccurate or wilfully dishonest work might escape detection. It is very desirable that the survey of the districts of a developed and advanced province like Behar should be done with a high degree of accuracy. The land is over the greater part of the province fully cultivated, the population presses greatly on the soil, and the agrarian interests are important and varied, requiring great care and precision in any survey and settlement that may be undertaken. If, then, the survey is to be done at all, it should be done upon a proper systematic method, and the Board are not inclined to advise the adoption of half measures as a makeshift. They think, therefore, that it is advisable that the entire work of the survey should be carried out by a professional agency. The advantages of a professional survey are alluded to in paragraph 11 of the Director's note, and the Board believe that the zemindars, if they have to pay the cost, would prefer this system of survey to one which would leave the most important branch of the operation—that of cadastral measurement—to incompetent and dishonest patwaris.

6. The Director roughly estimates the cost of a survey and settlement conducted with the help of patwaris at from 4 to 5 annas per acre, but he admits that it is impossible at present to forecast the cost with any approach to accuracy. It must be said, therefore, that the saving likely to be effected by operations so conducted cannot at present be stated, although it may safely be assumed that it would be large. The Board have, however, expressed their opinion in favour of a complete professional survey, and the cost of this is the chief matter for consideration. Colonel Steel, it will be observed, estimated the cost at about $3\frac{1}{2}$ annas per acre. Mr. Collin's estimate, submitted with his letter No. 19, dated the 14th April 1890, to the Director, is Rs. 142 per square mile, to which he would add at least Rs. 25 for the traverse survey, the total cost being thus Rs. 167 per square mile. This gives a rate slightly exceeding 4 annas per acre. Mr. Collin remarks in his subsequent note that his estimate cannot be materially reduced, and finally states that it would not be safe to estimate less than Rs. 150 per square mile, which gives a rate somewhat in excess of $3\frac{1}{2}$ annas per acre. Colonel Strahan thinks Colonel Steel's estimate over-sanguine, and would not take a lower rate than $4\frac{1}{2}$ annas per acre. The Board would accept this rate, which does not appear excessive. Allowance should be made for unforeseen difficulties and delays, and also for the fact that the estimate is not for the Mozufferpore district alone, but for other districts also, the conditions of which have not been considered. Chainmen and coolies will not be obtained free of cost. The up-country amins would, the Board think, work satisfactorily in Behar, Hindi being the language of the province. Some reduction of expenditure might, as Mr. Collin points out, be effected by placing the supervision of both the survey and the settlement in the hands of one officer, but in view of the small saving estimated it seems preferable, if the survey is to be entirely professional, that the supervision of the work should remain with the superior officers of the Survey Department.

7. The next matter is the cost of the settlement. The work will be no longer a mere record of existing rents, as in the experimental operations carried out in Mozufferpore by Mr. Collin, but rents will have to be settled in numerous cases, and delays, due to keen contention as to rents before both the Settlement Officer and the Special Judge, must be expected. Mr. Collin, in his letter already quoted, estimates the total cost of the settlement, inclusive of the demarcation and fixing of boundary pillars, at a little over $3\frac{1}{2}$ annas per acre, and that of the survey and settlement at a little under $7\frac{1}{4}$ annas per acre. The rate for the settlement per acre, on his own estimate of Rs. 144 per square mile, is, however, $3\frac{1}{2}$ annas. If, then, this is added to the estimate of $4\frac{1}{2}$ annas per acre, which the Board would accept, the total cost of the survey and settlement would be $8\frac{1}{4}$ annas per acre. It would certainly not be prudent to estimate a lower rate than 8 annas per acre, and that rate may be adopted.

8. The total cost of the survey of Behar may now be calculated. The Division comprises an area of 23,679 square miles (*vide* the last Administration Report of Bengal), or 15,154,560 acres. The survey and settlement would, therefore, cost Rs. 75,77,280 to the Government, the landlords and the ryots. The amount debitable to the Government for the traverse survey, or two thirteenths, would be Rs. 11,65,735. The balance to be paid by the landlords and tenants would amount to Rs. 64,11,545, and if apportionment is made as suggested by the Director, in the proportion of two-thirds and one-third respectively, the cost of the operations to the landlords would be Rs. 42,74,363 and to the tenants Rs. 21,37,182, while an apportionment of one-half to each would impose a charge of Rs. 32,05,772 on each party. The magnitude and enormous cost of the measure are manifest. It must further be added that the survey operations if entrusted to one party alone would occupy, according to Colonel Strahan, 18 years, while nine years would be required by two parties. If two years more are allowed for possible difficulties and delays, the duration of the survey and settlement would be 20 years with one survey party, and 10 with two parties.

9. The Board assumed that if the survey is resumed, it will be with the resolve of extending it to the entire province. They see no reason whatever why this district of Mozufferpore alone should be selected as pre-eminently requiring survey and settlement, and the zemindars and ryots of that district called upon to meet an enormous charge from which their brethren in the other districts of the province are exempted. The district appears to them, indeed, to be less in need of a survey than other districts of Behar, for reasons which will be stated further on. The serious nature of the burden which would be imposed on the landlords and tenants at even the estimated rate of 6½ annas per acre was recognised by the Government in paragraph 7 of Mr. Buckland's letter No. 3343—1123LR, of the 3rd September 1889, to the Government of India. The entire cost must now be enhanced, with the increased estimate of 8 annas per acre, to Rs. 9,61,280, of which Rs. 1,47,889 would be borne by the Government for the traverse survey and Rs. 8,13,391 by the zemindars and tenants. The recovery of the latter sum in, say, two-and-a-half years would impose on the landed interests a charge of Rs. 3,25,356 per annum. If the zemindars pay two-thirds of this sum, an addition of Rs. 2,16,904, or 22·2 per cent., would be made to their land revenue liability of Rs. 9,73,586, to which must be added their share of the cess demand of the district, amounting to Rs. 2,78,171, according to the recent re-valuation. The tenants would have a liability of Rs. 1,08,416 added to their total rental exceeding 51 lakhs and their share of the cess demand.

10. The figures for all districts of the Division are exhibited in the following statement :—

DISTRICT.	Area in Square Miles.	Area in Acres.	Total Cost of Survey and Settlement.	Amount Payable by the Government.	Balance payable by the Landlords and Tenants.	Landlord's Share.	Tenant's Share.	Land Revenue Demand.	Cess Demand.	Gross Rental.	Number of Years for Recovery of the Cost of the Survey and Settlement.
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Years.
Patna - - - -	2,075	1,328,000	6,64,000	1,02,153	5,61,847	3,74,564	1,87,282	14,80,311	3,57,424	64,54,821	2
Gya - - - -	4,712	3,015,680	15,07,840	2,31,975	12,75,865	8,50,576	4,25,288	14,51,391	3,92,585	69,69,594	4
Shahabad - - -	4,366	2,794,240	13,97,120	2,14,940	11,82,180	7,88,120	3,94,060	17,41,620	2,89,644	54,93,494	3½
Mozufferpore - -	3,004	1,922,560	9,61,280	1,47,889	8,13,391	5,43,261	2,71,130	9,73,726	2,78,171	51,38,406	2½
Durbhunga - - -	3,335	2,134,400	10,67,200	1,64,184	9,03,016	6,02,011	3,01,005	7,97,246	4,13,414	70,14,331	3
Sarun - - - -	2,656	1,699,840	8,49,920	1,30,757	7,19,163	4,79,442	2,39,721	12,33,266	3,32,289	59,13,327	2½
Ohumparun - - -	3,531	2,259,840	11,29,920	1,73,834	9,56,086	6,37,391	3,18,695	5,16,568	1,76,530	30,75,954	3

The amounts debited to the zemindars and ryots out of the cost of the survey and settlement as here shown, do not, however, fully represent the cost of the operations to them. A large sum would have to be expended by them in the course of the operations for stamps on petitions and the fees of revenue agents, mukhtiaris and pleaders, and the zemindars would further suffer from the partial suspension of rent payments which is a frequent concomitant of settlements. The Government share of the cost of the survey and settlement has

has been calculated at two-thirteenths, the proportion adopted in Mr. Buckland's letter to the Government of India already quoted. Mr. Finucane would fix the proportion at one seventh or two-fourteenths. The difference is not very material. In addition to this charge, all sums which are not eventually recovered from the landlords and tenants would be debited to the Government. The total amount for which the Government would be thus liable cannot be estimated, but it would not improbably form an appreciable addition to the charge for the traverse survey. Much difficulty is being now experienced in one ward's estate in Dinagepore in recovering from the ryots their share of the cost of the survey and settlement. The Government would doubtless be partially recouped for the expenditure thrown on it by larger receipts from stamp duty resulting from the settlement proceedings, but this gain implies a corresponding addition to the already heavy cost to be borne by the landlords and tenants.

11. The adjustment of the proportion in which their share of the cost should be borne by the landlords and tenants is a matter of considerable difficulty, and must be settled somewhat arbitrarily. It might be urged with considerable force by the zemindars that the survey is undertaken quite as much in the interests of the tenants as of themselves, and that the cost should, therefore, be shared equally. Seeing, however, that the rentals realised in Behar are high, and that the landlords are presumably in a better position to bear the cost of the survey than the ryots, who as a class are poor, the Board are disposed to accept Mr. Finucane's suggestions that the cost should be distributed in the proportion of two-thirds and one-third. But in some parts it is not improbable that an equal division between the two parties may properly be made in consideration of the rents being more moderate, and the Government might well decide that the general proportion adopted should be subject to modification for particular estates or tracts with reference to information obtained during the course of the survey.

12. Having regard to the very large expenditure which would be entailed on the Government, the landlords and the ryots by the survey, the Board presume that the Government will not be unwilling to receive from them a further expression of opinion on the advisability of undertaking the operations. In their letter No. 389A, dated the 6th May 1889, they ventured to point out the necessity for great caution in adopting a measure of so extensive a character. The calculation of the cost of the operations now made, and further consideration of the subject have strengthened their reluctance to recommend the survey. They desire at once to admit that from all points of view much would be gained if a survey and record of rights could be effected, not only in Behar, but throughout Bengal also, but the execution of this and other great reforms involving large expenditure must be governed by financial considerations, and if proved to be financially impracticable, must be abandoned, however regrettable the decision may seem. The financial aspect of the survey of Behar has been already sufficiently dwelt upon, and the magnitude of the burden which would be imposed on the Government and the people admits of no question. If it is nevertheless held that the measure is not impracticable from a financial point of view, the question remains whether the need for the survey and the advantages to be gained are such as to justify the Government in accepting its share of the liability and in imposing their share on the landlords and tenants.

13. As regards the question whether urgent need exists for the survey, the Board desire to submit the following observations. That some uncertainty as to rents, and also as to the boundaries and areas of tenancies, prevails in Behar must be admitted; but similar uncertainty exists everywhere, and to a greater extent in some other districts, notably Backergunge and parts of Eastern Bengal. There appear to be far stronger reasons for undertaking the survey of Backergunge than that of any district of Behar. The Board commented in their letter quoted in the preceding paragraph on the vagueness of the report from the Commissioner of Patna on this question of the uncertainty of rents; and they regret that the present Commissioner has offered no remarks on the subject. The Collector of Mozufferpore has no objection to offer to the resumption of the survey of Mozufferpore, and the Commissioner observes that

he sees no reason why the survey should not proceed, but neither officer expresses an opinion as to the necessity for the survey. Doubtless considerable tension exists between landlord and tenant in some estates of Behar, as is the case elsewhere; but this would afford reason for dealing with the particular estates concerned, and does not furnish proof that a general survey of the province is necessary. The statistics of civil litigation give no marked indication of the urgent need of settling agrarian disputes throughout the province by a survey. The number of suits under the rent law is not large in comparison with Bengal districts, save in Shahabad, where such suits exceeded 5,000 in 1889. Applications for the deposit of rent have been numerous, except in Gya, where rent payment in kind so largely prevails, but they were probably due to disputes on a few large estates, and they indicate, at least, that the ryots were ready to appeal to the law against the demands of their landlords. The number of Munsifs in the whole division, it should be noted, is only 29, compared with 16 in Jessore and Tipperah, 15 in Mymensingh and the 24 Pergunnahs, and 14 in Dacca, Backergunge, Chittagong and Hooghly respectively—all single districts. The large number of partitions effected in some districts of the division for many years past tends also to reduce the necessity for a survey. In each of these cases the lands of the estate are cadastrally measured, and a complete statement, with a map, is filed with the record furnishing the area of each field, the name of the tenant, and the description of crops grown. The districts of Mozufferpore and Durbhunga are those in which the process of partition has had the largest development. In the decade from 1880-81 to 1889-90 no less than 4,500 estates have been added to the revenue-roll in Mozufferpore, and 2,556 in Durbhunga. In these districts, but especially Mozufferpore, records thus exist of measurements over a considerable area—which can presumably be of service to tenants in disputes with their landlords. This appears to the Board to furnish one reason why Mozufferpore should be held to need survey less than the other districts of the Division. Another reason is found in the fact that the numerous partitions have created a large body of petty or peasant proprietors cultivating their own lands in whole or in part, to which additions are made every year. These men holding their lands themselves or through relatives are not in need of a survey. The number of estates on the revenue-roll of Mozufferpore at the close of 1889-90 was 17,501; and in Durbhunga 10,813. If, again, the circumstances of other districts are examined, the Board think that the urgent need of a general survey is not clear in Durbhunga, Shahabad, and Gya. Part of Durbhunga (pergunnah Alapur, comprising 246 square miles, was surveyed by a Mr. Finucane during the minority of the Maharaja of Durbhunga, and in other parts a peasant proprietary is being fast created. In Shahabad the system of rent payment in kind largely prevails, and this is still more the case in Gya, and a settlement of rents for land so held is not needed. Finally, if the want of a survey and record of rights was much felt by landlord and tenant in the Division, a large number of applications under sections 101 (2) (a) and 103 of the Tenancy Act might have been expected. Such applications have, however, been so far exceedingly few in number, the Land Revenue Administration Report for 1889-90 showing only one in Patna and three in Chumparun.

14. The Director remarks that it would be wise to allow the survey of Mozufferpore to proceed next cold weather on the system adopted in the experimental survey, which he says has *proved* to be successful. The Board would, however, remark that he does not seem to have considered the fact that the system on which the professional survey would be carried out now is very different from that which is said to have proved successful, in its essential circumstance that on this occasion the zemindar and the ryot, would have to pay between them nearly the whole cost of the proceedings. The Board would draw attention to the remarks of the Government itself in its letter to the Government of India on this subject, to the effect that the ryots appreciated the Mozufferpore experimental survey, and showed on that occasion that they were not blindly carried away by their traditional dread of the measuring rod, but that it was one thing to accept a survey which cost the individual ryot nothing and quite another thing to accept a similar survey which has not been asked for and will cost each ryot an appreciable sum. The chief question is, would the proposed resumption of the survey in Mozufferpore,

pore, under quite different conditions, be so cordially accepted by the land holders and ryots that the question of opposition need not come into consideration at all? The Government has recorded in the correspondence to which reference has already been made that the main objection to such a survey as is contemplated is the very serious expense which has to be recovered from landowners, not disposed to regard the work very favourably, and from cultivators who are generally poor. As regards Mozufferpore, the greater portion of the district is held by small insignificant landholders, who are themselves generally comparatively poor, and it seems at least doubtful whether the majority of the men of this class would accept the survey as a boon. Since the experimental survey in Mozufferpore, the Collector has not been pressed with applications for survey and record of rights from these zemindars in the district whose estates did not come within those operations; and yet it has been open to all to make such applications under the sections of the Tenancy Act above quoted. The absence of any such spontaneous desire for a survey tends to show that the measure is not generally felt to be needed, and does not seem to augur well for the tacit acquiescence in the scheme by the parties most interested.

15. It has next to be considered whether the advantages resulting from a general survey would be such as to compensate for the cost to all the parties concerned. It must be conceded, on this point, that the advantages would be greatly reduced if no provision is made for the maintenance of the records after the completion of the survey; and the Board are not prepared to agree with those who think that even in the absence of such provision it would be worth while to carry out the survey. In their opinion the survey should not be undertaken unless arrangements are made to preclude the necessity for a fresh survey anywhere in the division for an indefinite period. The vast expense involved should be incurred once for all. An effective village agency for the record of changes should, therefore, be maintained, and the question of re-organising the patwari system is thus revived. It rests with the Government to decide whether the Patwari Bill, which was withdrawn some years since, should be re-introduced. The circumstances of the case have undergone no change, and the information already before the Government appears sufficient for the decision of the question.

16. The benefits arising out of the survey would be shared by the Government, the landlords, and the tenants. From the Government point of view, it may be held that the survey would furnish agrarian statistics of great value for administrative purposes, and would tend, by the settlement of disputes, to reduce litigation, and, therefore, the cost of the administration of justice. As the revenue is permanently fixed, there can be no return to the Government in that direction. The Board do not question the importance of accurate statistics of the land, but the utility of the information derived from the survey must obviously diminish with time if the records are not kept up to date by a proper agency. They are not disposed to attach great importance to the effect of the survey on litigation. It has already been shown that the number of munsifs in Behar is very small compared with the establishment in Bengal, and no material reduction would probably be found practicable after the survey. It is also improbable that any reduction could be made in the magisterial staff. The Board's attention has been drawn (*vide* Mr. Carduff's letter No. 3339—1272, L.R., dated the 17th September last) to the survey and revision of the record of rights carried out in the permanently settled districts of the North Western Provinces covering a total area of 5,500 square miles, the cost of which to the Government has been 38½ lakhs of rupees. The direct gain has been only an increase of Rs. 19,000, or ½ per cent. in the acreage cess, but it is believed that the indirect gain which will be caused by the reduction of the work of the Civil and Revenue Courts must be considerable. The case can scarcely be deemed to afford help towards the decision of the question whether the Behar Division should be brought under survey. In Behar the cost of the survey would be mainly borne by the landlords and tenants, while for the expenditure incurred by the Government the Board do not anticipate much return in the way of a reduction of work in the civil and criminal courts, rendering an appreciable reduction of the staff practicable. Certainly, if for an area of 5,500 square miles in Behar, less than the area of

the two districts of Mozufferpore and Durbhunga, the cost were to make any approach to 38½ lakhs, the Board would at once pronounce the operations impracticable and out of the question.

17. The advantage of the survey to the zemindar would be the possession of complete and correct particulars of the lands of his estate, settled and unsettled, and of a rent-roll judicially framed, and, therefore, admitting of the more easy collection of rents. The gain would undoubtedly be great, but whether the zemindars themselves would deem it an adequate return for the expenditure incurred is open to doubt. Certain it is that in many cases the cost of the operations would be a very severe, if not a crushing, strain on the zemindar. The addition of a heavy charge for the survey for two or three years or more to their liabilities for land revenue and cess would unquestionably be a very serious matter to the less solvent zemindars. The Maharaja of Bettiah, for instance, whose estates are mortgaged for the large loan contracted in England, would, it may well be assumed, be unable to meet in the course of three years the charge of several lakhs imposed on him by the survey. Apart from the direct cost of the survey, and the expenditure incurred on stamps, and the fees of legal advisers, it should be again noted that the landlords are likely to experience difficulty in realising their rents during the course of the operations where disputes with the tenants are numerous, and so long as they are not disposed of by the settlement officer.

18. To the tenants the value of the survey, in furnishing them with an authentic record of their rights, would be great, but much must obviously depend on their readiness in the future to appeal to this record against any unjust demands of the landlord. That the better class amongst them would be prepared to avail themselves fully of the benefit conferred on them by the preparation of the records of rights is most probable, but some doubt may be entertained as regards the poorer tenants, belonging mostly to the lowest castes. The demarcation and definition of zeráts, and the check thus given to the incessant encroachments by proprietors on the tenemental land, would be an important gain. A very large area already irregularly taken by proprietors would, however, have to be recognised as zerát, under Section 120 of the Tenancy Act, and in respect of this area the provisions of Section 116 could hereafter be more successfully pleaded in bar of the accrual of occupancy rights. Against the advantages derived by the tenants from the survey must finally be set the possibility of an increase of rents in many cases. Reductions may be effected in other cases, but the Board think it probable that the grounds for reduction would be established in far fewer cases than those for enhancement; and, in any case, the tenants whose rents are increased would not be compensated by the relief given to others. The possibility of an enhancement of rent is, in the Board's opinion, a factor of great importance in the consideration of the present question. To the cost which would fall on the ryots on account of the survey, and the incidental expenditure in stamps and legal advisers' fees, might thus be added in many cases a permanent charge on account of increased rents. It will be observed, for instance, that rents in Champaran are stated to be low in Mr. Henry's Note submitted by the Commissioner of Patna, in his letter No. 223 V., dated the 21st March 1889, a copy of which was forwarded with the Board's letter, No. 389 A. of the 6th May following, and it would seem that in that district, at least, a general enhancement of rent might result from the survey.

19. Under all the circumstances of the case, as now stated, it is certainly doubtful whether the zemindars and ryots of Behar would view the survey with favour. The Board would draw attention to the fact that the survey has been recommended without the persons eminently interested having been consulted, and it would seem to be very desirable that, at any rate, the principal zemindars should be informed of the project and of the pecuniary responsibility attached to it as regards themselves and their ryots. The Board's own view, on the fullest consideration of the case, is (1) that to the Government the survey would not be worth the cost at 8 annas per acre, unless it was accompanied by a re-organisation of the patwari system, for the continuous maintenance of the records, and (2) that at the same cost, whether with or without re-organisation of the patwari system, the survey would not repay the zemindars and ryots. It

seems

seems to them that, in view of the difficulty as to cost, and so long as it is not removed, the Government should confine itself to the survey of estates on which uncertainty as to rents are proved to exist, on the evidence of constant disputes between the landlords and tenants. Several such estates have already been mentioned in the correspondence, and if the state of things on them demands the interference of the Government, the powers conferred by Section 101 (2) (b) should be exercised, unless the landlords or tenants themselves are willing to apply for a survey and preparation of a record of rights.

20. If, however, the Government determines to proceed with the general survey of the division, and to do so in the ensuing cold weather, the Board would recommend that the idea of employing the patwaris be abandoned, and that the survey be resumed in Mozufferpore, with one survey party, as a beginning.

21. With reference to the remarks in paragraph 2 of the letter from the Government of India, No. 84 C. of the 2nd January 1890, copy of which was forwarded with the letter now under reply, regarding the desirability of surveys of Ward's estates, the Government is aware that surveys have been undertaken on several of these estates. No other estates appear at present to require survey. Proposals are and will be submitted from time to time for surveys as necessity for them is made out.

Enclosure 3, in No. 5.

From *C. C. Stevens*, Esq., Commissioner of the Patna Division, to the Secretary to the Board of Revenue, Lower Provinces.

No. 17 V., dated Bankipore, 22 April 1891.

IN reply to your letter No. 51 A., dated 23rd January last, on the subject of Mr. Finucane's suggestions in reference to the resumption of the survey and record of rights in Behar, I have the honour to make the following report.

2. The Collector of Mozufferpore points out that of Mr. Finucane's suggestions only the first and sixth apply to his district, and to these he has no objection to offer; he is, however, of opinion that measurements should be made according to local standards, which differ in different pergunnahs. I agree with him, and think that if the measurements are made by the English standard, they should be reduced to the local scales. I am doubtful whether the cost of the proceedings should be uniformly divided on all estates, and should be inclined to have a separate division for each estate, as what would be fair for one would not be so for another; in one case the landlords, in another the ryots, may derive more benefit. I know of no reason why the survey of the Mozufferpore district should not proceed.

3. In regard to the Chumparun district I submit a copy of the Collector's report, which, with the exception of the matter of division of the cost, exactly coincides with my own views. I think the legality of compelling the putwaris to do the work which it is proposed to exact from them is so far doubtful that it is very desirable that Mr. Finucane's views should be either confirmed or set aside by legal advice. I do not think it desirable that in some places putwaris should be employed, and that in others their places should be taken by amins.

4. When the legal point has been settled, assuming it to be decided in Mr. Finucane's favour, I think it will be an excellent plan to try the scheme in Bettiah as he recommends. It follows, of course, that if successful there, it should be extended to other localities, unless some reason to the contrary clearly appears. I think that the due maintenance of the records of the village will in any case reasonably fall within the legal duties of the putwaris.

5. It appears to me clear from the papers forwarded, as well as from my own knowledge of tracts adjacent to the Central Provinces, that the cost of the proceedings in Behar cannot be kept down to the standard of those provinces.

Enclosure 4, in No. 5.

From *W. Dunbar Blyth*, Esq., Collector of Chumparun, to the Commissioner of the Patna Division.

No. 1166 G., dated Motihari 31 March 1891.

I HAVE the honour to acknowledge the receipt of your memorandum No. 74 V., dated the 23rd ultimo, forwarding, with other papers for report, a note by the Director of the Department of Land Records and Agriculture on the resumption of the survey and record of rights of Behar.

2. Mr. Finucane's proposals may for the purposes of consideration be reduced to two—

1st. To resume the survey of Mozufferpore by a professional survey party.

2ndly. To adopt for the survey of the rest of Behar a cheaper method, which consists of employing the Imperial survey party only for the traverse survey, leaving the work of cadastral survey to be done by local agency.

3. As regards the first proposal, it is, perhaps, beyond my province to express an opinion; the experimental survey of a portion of the Mozufferpore district, which has already been made, is said to have been successful, and Mr. Finucane adduces good reasons in clause (1) of paragraph 24 of his note for considering that it should be continued on the same lines.

4. As regards his second proposal, it is to be remarked that it is based on the fact that there exists in Behar, in the shape of putwaris, a local agency which, could these men be trained to take the place of paid amins, would not only reduce the initial cost of the survey and settlement, but would also supply an agency for maintaining the records.

5. Mr. Finucane points out how in other places local agency has been utilized, and with satisfactory results, and proposes that a similar experiment should be made in Behar, and as a commencement he would begin with one sub-division, extending the system later on if found to be successful, and he would select the Bettiah sub-division as the one in which to commence operations, for the reasons given in paragraph 16 of his note.

6. For the purpose of carrying on the experiment, he would place in charge of the Bettiah sub-division a junior civilian who has been trained in survey and settlement work (Mr. Walsh being the officer suggested for the appointment), with an assistant under him, trained in the system of professional survey; he would then bring in the registered putwaris to the head quarters of the sub-division, and have them instructed in survey work, and when they have been proved to have learned their work and to be capable of carrying on the field survey, he would make over to them traverse skeleton maps of each village and leave them to make the cadastral survey under proper inspection and control.

7. In order that the experiment may be successful, it will be necessary—

1st. That the putwari should be made available for the purpose of being trained.

2nd. That they should be capable of learning the work of field surveying; and

3rd. That the cost of their employment, including the cost of training them, should be less than would be required for the remuneration of the amins, who would have to be employed were the work not done by local agency.

8. As regards the first point, I have consulted Mr. Gibbon, C.I.E., Manager of the Bettiah Raj, and other gentlemen, and I do not think that any opposition will

will be raised to the attempt to train the putwaris. Mr. Gibbon would himself prefer the more accurate, if more expensive, work of a purely professional survey party, but he as well as the other gentlemen are willing to render every assistance in furtherance of Mr. Finucane's scheme, and so far, therefore, as regards the agency being placed at our disposal for the purposes of training, I not anticipate any opposition.

9. As regards the capability of the putwaris for the work, the question is more difficult. Almost every putwari can roughly measure land, and they are often employed by the zemindars for this purpose, and I believe, so far as the majority of the putwaris in the Bettiah sub-division at least are concerned, they are also able to calculate areas. It remains, however, to be seen whether they will be able to acquire a knowledge of scientific surveying. That some of them will be able to do so there can be no doubt, but I fear that it is equally certain that there are some whom it will be found impossible, either from a want of intelligence or from a disinclination to undertake the work which will be required of them, to train up to the required standard, and it is in the case of these men that the chief difficulties will arise.

10. The putwari is a man who considers that he has a vested right in his appointment, and he looks upon himself as more or less independent, taking the side sometimes of the zemindars, sometimes of the ryots, and sometimes of Government, as his own interests seem to dictate, though practically he is generally on the side of the zemindar, who undoubtedly, though Government may have the first claims on the putwari's services, looks upon him as his own servant. If the present experiment is to succeed, it is essentially necessary that Government should have the power of dispensing with the services of those putwaris who are found incompetent to carry on the cadastral survey, and of appointing competent men in their place.

11. In paragraphs 14 and 15 of his note, Mr. Finucane discusses the duties of a putwari, and suggests that Government has, under the existing Regulation (XII. of 1817), the power to declare that one of the qualifications of a putwari shall be an ability to survey according to modern methods, or, in order to save men now holding the appointment, the ability to learn surveying according to such methods. If this be so, then there will be no objection that I can see to its being declared also to be a part of their duty to survey their respective villages.

12. As you are well aware, there is now the greatest difficulty in getting rid of a putwari whose word is not considered satisfactory; and so tenacious are they of their so-called hereditary rights, and so ready are the appellate authorities to support them, that it is only in the grossest cases that an order of dismissal is upheld on appeal; and many men who in the interests not only of Government, but also of the zemindar and the ryot, should be replaced by better and more honest men, are still enjoying the advantages accruing from their position, simply because, though no one doubts the desirability of removing them, it is felt that it would be worse than useless to give them a stronger position than they already hold by passing an order for their removal which would be reversed on appeal.

13. I would myself be exceedingly glad to see the hands of Government strengthened, and have no doubt that we would get much better work from these men were it made more easy to remove them in the event of their not giving satisfaction, and I would be most willing to accept Mr. Finucane's proposal as a step in the right direction, if it is found to be a practical one. It seems, however, at least doubtful if the fact that a putwari has sometimes been called on by his zemindar to make a rough measurement of the land of some ryot in his village can be held to be sufficient to warrant a declaration that the survey of his village according to the modern method is part of the customary duty of putwari. If the appellate authorities are prepared to accept the view that it is, of course our difficulties are removed. Should it, however, be held that such a survey is not one of their customary duties, the question then arises whether, supposing the Board should declare a knowledge of modern surveying to be one of the qualifications of a putwari, the order would be held to affect men who already hold the office of putwari, or would be held to apply only in the

the case of men nominated for such appointments after the date of the order. In the latter case we would be unable to replace by competent men such of the present putwaris as are unable either to survey or to learn surveying, if no other serious fault can be found with their work.

14. I trust that it will not be thought that by raising these points I am in any way desirous of throwing obstacles in the way of carrying out Mr. Finucane's scheme. The scheme is, I consider, an excellent one, and is well worth a fair trial; but as its success depends on our power to obtain a body of putwaris able to do the work, it is absolutely essential to examine carefully our ability to command success by being in a position to secure such a body of assistants; because there being, as I have already stated I believe there are, some men whom it will be found impossible to train, we would find ourselves, if we cannot legally remove such men, obliged, after commencing the experiment, either to abandon it at a very early period or to carry on the subsequent operations, partly by the aid of putwaris and partly in the case of those villages in which we fail to train the putwaris, through the agency of amins, a compound system, which I think it would be well to avoid.

15. The first step which will be taken will, I have no doubt, be to consult the legal advisers of Government, and to obtain from them an expression of their views regarding the legality of Mr. Finucane's suggestion, and the possibility of successfully supporting on appeal orders passed in accordance with it, removing putwaris who are, after a sufficient opportunity has been given to them, found to be incapable of attaining the required degree of proficiency in modern surveying.

16. The third consideration which I have mentioned in paragraph 7 of this letter is the question of cost. The advantage of employing putwaris for the cadastral survey in the place of paid amins (apart from the advantage of leaving behind, after the survey is completed, an agency to maintain the records) is based on the fact that the pay of an amin is higher than that of a putwari. Now it is undoubtedly true that the pay of an amin is higher than the nominal pay of a putwari, but it is less than what a putwari actually realizes when the sums are added which he receives, in addition to his actual pay, in the shape of "dusturi" of various kinds. Mr. Gibbon, in discussing the question pointed out to me that while the putwaris are engaged in learning their work, and possibly subsequently while engaged in surveying their villages, naib-putwaris, as Mr. Finucane suggests it, will have to be appointed to assist them in carrying on their ordinary duties. Where the naib is one of the putwari's dependants, there will be no difficulty; but where the zemindar does not wish such a man put in, but desires to select his own man, the putwari would, Mr. Gibbon points out, suffer very considerably pecuniarily while employed on survey works. If Government is to make good the whole amount which he practically realises in his village to the putwari, while he is engaged on survey work, if his place is not taken by one of his own dependants (and it never would be so taken if it was found that an arrangement is possible, so advantageous from the point of view of the putwari and naib as one in which both men would get the higher allowances), the putwari agency would be much more expensive than that of amins.

17. As a matter of fact, however, I do not see that Government is bound to recognise the extra amounts which a putwari adds to his legitimate salary. When a putwari is nominated for appointment, it is the custom in this district to draw up a paper containing a series of questions which are answered by the nominees, such as his age, place of residence, other employment, &c., and one is his annual salary. The sum stated does not, of course, include any of the extra sums to which I have alluded, but is his salary pure and simple, though in a few cases it is not all expressed in rupees, but is put down occasionally as a very small money payment—perhaps Rs. 18 per annum and "land." Even in such a case, however, the "land" is only meant to represent the balance of the fair salary.

18. I think, therefore, that in dealing with the question of the remuneration of the putwari, for the purpose of calculating the cost of employing him

on

on survey work, Government should only take into consideration the annual salary which is stated to be paid to him, and should not recognise the additional sums which the zemindar allows him to realise from the ryots. If the former amount alone is debited to the survey, the putwari will be a cheaper workman than the amin.

19. Mr. Gibbon also remarked on other points, such as the difficulty of getting a putwari to survey accurately the lands which he himself holds in his village and the lands of Brahmans or other influential persons, but this is not a point which need be noticed here, as it is assumed that the survey will be made under proper supervision and control. Neither is it necessary to note his remark on the desirability of avoiding scattered working parties. This is a matter for arrangement by the settlement officer at a later stage than the present.

20. So far then as the actual employment of the putwaris is concerned, I think that Mr. Finucane's scheme will be successful in Bettiah at all events, provided that we are given the power of replacing by competent men such of the putwaris as are found to be incompetent, and if the amount debited to the survey on account of their pay is only the salary which they are supposed to receive, and not that salary plus the amount they are allowed to realise from the ryots in the shape of *farkawn*, *rasidawn*, &c.

21. As regards the superior agency, I gather, from the remarks in the concluding portion of paragraph 18 of his note, that Mr. Finucane proposes to relieve the subdivisional officer of his duties as such as soon as the survey work is sufficiently advanced for him to have continuous work in settlement duty, and to employ him thereafter exclusively on the preparation of the record-of-rights and the settlement of rents. This is absolutely necessary, as it would be impossible for the subdivisional officer to perform his regular duties in the Bettiah subdivision, which is a large one, in addition to those of settlement officer, with any chance of a satisfactory result.

22. I would also suggest that, should it be determined to make the experiment, the officer selected should be sent to Bettiah as soon as possible in order that he may get a grasp of the ordinary work before he is called on to superintend the training of the putwaris as well. Mr. Windsor, the present subdivisional officer, has applied for leave from the 6th May, and if the leave is granted, the opportunity might be taken of sending to relieve him either Mr. Walsh or such other officer as may be selected for the special work.

23. The other points noted in paragraph 24 of Mr. Finucane's note, such as the comparative cost of each class of survey per acre, the apportionment of cost, and its realisation, are not such as call for any special remarks from me, as they are all matters on which Mr. Finucane's wide experience enables him to express a valuable opinion. I do not see any objection to the apportionment between the zemindar and the ryots, in the proportion of two-thirds and one-third, of the balance of the cost of the survey and settlement after deducting the cost of the traverse survey, which it is proposed should be paid by Government. I also agree with Mr. Finucane in thinking that the cost should be realised, for each tract, by the settlement officer, as soon as the proceedings on that tract are approaching completion, and should not be left to be realised by instalments, the payment of which would extend over a series of years.

24. The enclosures received with your Memorandum are returned.

Enclosure 5, in No. 5.

NOTE by Mr. *Finucane* on the Resumption of the Survey and Record of Rights of Behar.

1. THE Government of Bengal, in reviewing Mr. Collin's final report on the experimental survey and record of rights undertaken in the Mozufferpore district, 188.

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Views of the Governments of Bengal and India, and of the Secretary of State, already expressed in favour of resuming the survey and record of rights.

district, expressed in Mr. Nolan's No. 283—1163, dated 25th January 1888, the Lieutenant-Governor's satisfaction with the results of the experimental survey, and recorded Sir Stuart Bayley's opinion that there was good reason for desiring to extend the process to other tracts in the position of that dealt with in Mozufferpore, that is to say, where uncertainty prevails as to the existing rents.

2. The Government of India in reply observed, in Sir E. Buck's No. 433 R—39-2, dated 16th June 1888, that His Excellency the Governor General in Council concurred in the opinion expressed by His Honour the Lieutenant Governor of Bengal that the experimental survey in Behar had been a success, and that it is desirable to extend the measure to other tracts where uncertainty as to existing rents prevails. The Government of India, it was added, "would be prepared to consider any proposals based upon such reduced rates of expenditure as later experience may have proved to be justified, which the Government of Bengal might make for the further extension of survey and settlement operations in the permanently-settled districts of Bengal." Her Majesty's Secretary of State has also, in his Despatches dated 10th August 1888, 28th February 1890, and 17th July 1890, expressed a hope that it may be found possible to continue the cadastral survey of Behar at an early opportunity.

3. The Board of Revenue, in forwarding to me the letters of the Governments of Bengal and India cited above, called for report as to the possibility of reducing the cost of surveys and settlements, and at the same time called for report from the Commissioners of Patna and Bhagulpore regarding the areas in which uncertainty as to existing rents prevails. The report asked for regarding the reduction of the cost of survey was submitted to the Board with my letter No. 187 TA., dated 9th February 1889. In that letter it was stated that the cost of surveys and settlements in Bengal might be reduced by—

1st.—Subordinating officers of the Survey Department, while employed in provincial surveys, to the Local Government.

2nd.—By insisting on the employment of local agency instead of up-country amins.

3rd.—By training a staff of competent settlement officers to be employed permanently on settlement duty, instead of drafting off to settlement work untrained deputy collectors or sub-deputy collectors, who have had no experience in survey and settlement operations.

4th.—By reducing the number of copies of the records which, under the orders then existing, amounted to five.

Reduction of cost.

Mr. Buckland's
No. 1123 R., dated
3rd September 1889.

4. On the understanding that these measures would be carried out, it was stated that the cost of survey and record-of-rights would probably be reduced to six-and-a-half annas. The Government of Bengal, in reporting to the Government of India on the area in which uncertainty of tenure prevails, and on the probable cost at which the survey and record operations might be done, took six-and-a-half to eight annas an acre as the probable cost, and the whole of the Patna Division, with the exception of certain tracts already surveyed, as the area to which the operations would have to be extended. The work could not, it was at the same time remarked, be resumed in 1889–90 because of partial failure of crops in that year. In replying to the letter of the Government of Bengal, the Government of India pointed out that the cost rate of six-and-a-half annas per acre was apparently based on the conditions urged in my letter dated 9th February 1889, and asked that they might be informed of the precise data on which the estimate of six-and-a-half annas per acre was based. The estimate of six-and-a-half to eight annas given in Mr. Buckland's letter was founded on my letter No. 187 TA., dated the 9th February 1890; but it must be observed that the conditions given in that letter, regarding which separate correspondence was going on at the time with the Government of India, have not been completely fulfilled.

5. The first recommendation, that officers of the Survey Department, while employed on provincial cadastral surveys, should be placed entirely under the local authorities, so far as cadastral is distinguished from traverse survey is concerned, has been partially but not fully acted upon. As the result of correspondence on the subject the following arrangements were approved by

by the Government of India in Sir E. Buck's No. 342, dated 24th March 1890 :—

(1.) That the general control now exercised by the Government of India over survey operations and parties in Bengal, independently of the professional control exercised by the surveyor-general and his deputy, be transferred to the Government of Bengal so long as the parties remain in the province;

(2.) That the estimates of the Survey Department be prepared in communication with the local authorities, and be approved by them before being sanctioned;

(3.) That sums allotted for expenditure on each work, with the approval of the local authorities, be not exceeded without the sanction of the Local Government;

(4.) That the accounts of monthly expenditure, in such form as may be required, and as will not cause inconvenient delay, be sent through the settlement officer where he has the rank of collector, or otherwise to such officer not below that rank as the Board of Revenue may direct, in order to provide an opportunity for recording any objections he may wish to urge to any item of expenditure, or in regard to the strength and character of the establishment;

(5.) That officers in charge of parties or sections of parties be not transferred without consulting the local authorities;

(6.) That officers of the Survey Department be deputed to assist civil officers in arranging for demarcation in advance of, or in accordance with, the requirements of the Survey Department, and be temporarily placed under the orders of the civil officers for the purpose;

(7.) That they be similarly deputed when required for training local agency in survey work, under the orders of the Director of the Land Records Department.

6. Under previous arrangements, the Survey Department prepared and submitted estimates to the Government of India, and no control was exercised over their expenditure by the local authorities. The principal directions in which the exercise of such control would, it was hoped, tend to reduction of expenditure were in insisting on the training and employment of local agency in the conduct of the survey, and also in reducing the cost of the more highly-paid European supervising agency. Local agency has, after considerable opposition, been employed in Orissa, but in some other places it has not, I think, been utilised as fully as it might have been. Though, under the arrangements recently sanctioned, something may be done in these directions, there is reason to apprehend that the control which can be exercised over expenditure will not be very effective, and that the reduction in cost resulting from it will not be very appreciable.

7. Neither has the third condition been fulfilled, namely, that a staff of settlement and assistant-settlement officers should be trained and made permanently available for settlement work. This suggestion did not, it is understood, meet with the Board's approval. A proposal has recently been made to depute three junior civilians to learn survey and settlement work. I am not aware whether it has been accepted. At the present time there are only two junior civilians in these provinces who have had any training in the professional system of survey, or in the system of settlement under the Tenancy Act. The recommendation to reduce the number of copies of the record has been accepted and acted upon.

8. Under these circumstances the Deputy Surveyor General and the Settlement Officer of the Srinagur-Banaili estate (Mr. Collin) were asked to report, after mature consideration and in light of the experience acquired in Mozufferpore and in the Srinagur-Banaili estates in Bhagulpore, what the cost of survey and of the preparation of a record of rights and settlement of rents in Behar would respectively be.

Estimated cost on present system.

9. The Deputy Surveyor General instructed the late Colonel Steel, who has had recent experience of survey work in Eastern Bengal, and was previously engaged on cadastral survey work in the Central and North Western Provinces, to make a careful and detailed estimate of the cost of survey in Behar, after examination of the facts and study of Mr. Collin's report and of the physical features of the country. It will be seen from Colonel Steel's detailed estimate, which is annexed, that he thought the cost of survey would be 3½ aunas per acre. Colonel Strahan thinks Colonel Steel is over sanguine, and is of opinion

Julpiguri	-	-	-	A. P.	7 11
Chittagong	-	-	-		6 10
Orissa	-	-	-		4 6
Angul	-	-	-		
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Banki	-	-	-		

that it would not be safe to estimate for a lower rate than 4½ annas per acre. The actual cost rates for various surveys in other parts of Bengal are given in paragraph 4 of his letter and extracted in the margin. It will be observed that where, as in Orissa, local agency was trained and employed on survey work, the cost is comparatively low, while, where no such agency was available or employed, it is very high.

9. Mr. Collin estimates the cost of the preparation of the record of rights and settlement of rents, exclusive of demarcation of boundaries and erection of boundary pillars, at 3½ annas per acre. If, then, Colonel Steel's and Mr. Collin's estimates are accepted, and the system hitherto followed for the conduct of the survey and settlement operations, with the modifications recently sanctioned and described above are adhered to, the total cost will be 7 annas per acre.

10. The system hitherto followed, it will be remembered, is that the officers of Survey Department make the traverse and field surveys and write up such entries in the khasrahs as relate to undisputed possession. They do not concern themselves with questions regarding disputed possession, rates of rent, or the classification and status of the tenants. These latter questions are determined judicially by the settlement officer, acting as a Civil Court, and his decisions are subject to appeal to the special judge. It is not open to the amins of either the survey or settlement department to inquire into such questions.

Advantages and disadvantages of employment of Imperial Survey Department on cadastral work.

11. The system of having the field-to-field survey done by the Imperial Department has many advantages, but it has also many drawbacks. The chief advantage of the system is that the maps are almost mathematically correct, and command the confidence of the courts and of the public, and this is a great advantage when the maps of a country are being made for the first time, among hostile critics, disposed to question their accuracy in every point, and specially when (as in the present case), assuming any errors to be allowed to creep into the initial maps, it is doubtful whether a competent agency will be created for the subsequent correction of such errors. Among the drawbacks of the system is, first and chiefly, its expense. The rate at which surveys and settlements are now being done in Bengal, with accurate maps, and records of rights, and settlement of fair rents which are judicially determined and binding as

The cost at 8 annas an acre is far less than has hitherto been reached, except in the Central Provinces.

* *Vide* the Honourable Mr. Bennett's No. 178 dated 6th May 1890, to the Government of North-Western Provinces and Oudh.

decrees of a civil court, even at 8 annas an acre, is far less than that at which rough measurements were formerly done in Bengal, without maps, and without judicial determination of rents and of rights, and is less than half the rate at which the survey and record of rights was done in the permanently-settled districts of the Benares Division,* which cost 720 rupees per square mile, or one rupee two annas per acre. But the cost is still far higher than the cost rate in the Central Provinces, and the question of its reduction will be discussed later on. Other drawbacks of the system of employing professional survey parties, under supervision independent of the settlement officers, are these :—

1st.—That the system causes friction and consequent delay and expense. It will be noticed that Colonel Strahan says, "The attitude of the Natives depends to a very great extent on the assistance rendered by civil officers; the opposition, as a rule, decreases in direct proportion to the co-operation of the settlement officers." Survey officers are not, and cannot be expected to be, as much in touch with the people as civil officers, or to have the same power of exercising influence over them and securing their assistance and co-operation. But if the survey and settlement operations were under one head, and were controlled by one official, i.e., the settlement officer, with one camp, with all the staff engaged in both operations, subject to his orders, it is clear that there would be no question of his co-operation or assistance. The settlement officer would be responsible for the whole of the operations, and the people would regard the survey and settlement branches as identical, instead of regarding them, as they now, notwithstanding all our efforts to the contrary, do occasionally regard

regard them, as distinct and sometimes antagonistic departments. Repeated injunctions have been imposed on settlement officers, in the settlement and survey rules and elsewhere, to give every assistance and support to survey officers ; but yet complaints are received from the survey officers of "want of co-operation," and these charges are indignantly repudiated by the settlement officers concerned. It may, however, be remarked that complaints of the kind are scarcely ever made where the settlement officer is a civilian. Another point in which it is found that survey officers, coming as they do from the North-Western Provinces and elsewhere, fail, I fear, to secure the best results, is in the utilisation of local agency. Great difficulty was experienced in inducing Colonel Barron to believe that the surbarakars of Orissa could be trained to do survey work, and the training of them had, at first, to be taken out of the hands of the Survey Department and transferred to a civil officer. When this measure was shown to be successful, the survey officers then took charge of these local men, and have carried on the survey of Orissa, since that time, chiefly through them, with comparative cheapness and efficiency. Colonel Sandeman has, however, proved in the North-Western Provinces that it is possible for a survey officer to depart from the traditions of the department in this respect, and to work cheaply through local agency.

2nd.—Another cause of the extra expensiveness of cadastral work done by the Survey Department is in the high cost of the supervising establishment. I do not say that the evils which appear to be inherent in the system of dual control cannot be to some extent obviated, and cordially acknowledge that the superior officers of the Survey Department are as anxious to remedy them as I am. But when all is said and done that can be done, the fact remains that the system has, except in the case of Colonel Sandeman's party in Jhansi, proved to be more expensive than it would be if cheaper supervising agency were employed. The question is, are the results attained in the superior accuracy of the maps and records worth the extra cost? I am disposed to think that they are.

10. If, however, it is thought that seven annas per acre is too high a rate to pay for a correct survey and record-of-rights, and that it is necessary to reduce it and to accept work which, though inferior in accuracy, may yet be good enough for all practical purposes, then one or two alternative methods may be tried.

Central Provinces
system described.
Can it be adopted?

11. It may be premised that whatever the system of survey adopted in Behar may be, we cannot hope to reduce the cost rate to the figure reached in the Central Provinces. I visited the Central Provinces in 1887 with Mr. Darrah and Sir E. Buck, and carefully examined the system of survey and settlement there followed. Mr. Darrah favoured me with a copy of his report, embodying his conclusions on what he saw there, and I recorded mine in a letter submitted to Government, No. 45, dated 28th March 1887, from which the following extract is quoted:—

"The system followed in Raipore is exactly that which was introduced in Khordah in the later stages of that settlement after the visit to Cuttack of Mr. Dampier, Colonel Scone, and myself, in 1878. The system introduced in the later stages of the Khordah settlement, after the conference held at Cuttack, was that of having the traverse survey made by the professional department, and, as in Raipore, of having the fields plotted on the professional skeleton maps, by amins working under the settlement officer. The agency employed by the settlement officer for this purpose in Khordah was that of amins; in Raipore the agency is nominally that of patwaris, but these so-called patwaris are not village patwaris in the ordinary acceptance of the term, nor their sons, nor other relatives, but Natives of the district of all classes, who offered themselves for employment shortly before and since the commencement of the present settlement proceedings, and were trained in survey classes, under the supervision of professional surveyors, in the work of measurement and khasrah writing. Thus, one was the son of a police darogah, another the son of a khitmadgar, a third the son of a dewan, and so on. These men have been appointed patwaris on paper, and certain villages or circles have been assigned to them; but they are not engaged in measuring, each his own circle, and many of them, in fact, have never seen the circles in which it is supposed they will take up the duties of patwari when the survey and settlement of the district are completed. In short, the agency by which the measurement is carried on, as far as I could see, is that of amins locally trained, and called patwaris, paid from the patwari fund, but never having

necessarily served a day in the circles assigned to them in the discharge of the ordinary duties of a patwari.

"I do not doubt that, under the conditions prevailing in Raipore, there may be much to say for this system; but it is obvious that it is a system which cannot be followed elsewhere, where there are no patwaris, and no patwari fund, or where, if there were a patwari fund, it would not be possible to divert it from the purpose for which it was originally intended, namely, the payment of the patwari employed in his own circle primarily in keeping his own village accounts, to the altogether different purpose of paying somebody called a patwari, and employed in measurement of a different circle; it may be a hundred miles away.

"When the sums thus appropriated from the patwari fund, and the wages of cooly labour, which is supplied free for the greater part, are taken into consideration, it was found that the estimated cost of the operations in Raipore would amount to 140 rupees to 150 rupees per square mile, at which rates the Survey Department also profess themselves able to prepare cadastral maps and records, though, as a fact, I may add that I am not aware of any case in which they have succeeded in doing so. The only advantage, then, of the Raipore over the professional system is, that it is hoped that a local agency will be left behind, under the Raipore system, to maintain the maps and records. Its defects, on the other hand, are obvious. The maps are prepared, and the areas of fields are worked out under the supervision of young civilians who, though very able and zealous, yet have not had much previous experience in either survey or settlement work. Though the maps prepared under their supervision may be good enough for revenue purposes, I do not think they are as good as those prepared by the professional department, nor do I think that the men whom I saw employed in field measurements in Raipore are of the class who are likely to settle down as village patwaris, and become part and parcel of the village community.

"On our way back from Raipore, Mr. Darrah and myself stopped at Jubbulpore and examined the work of survey in a village near that town. Here we found the village patwari engaged in measuring his own circle, under the supervision of Mr. Dunn, an assistant of the Survey Department, whose services have been lent to the Settlement Department. The maps and khasrah were accurate, and the system is all that could be desired. So far I have confined my remarks to the system of survey. I will now note briefly the points where the system of settlement of rents which are to be made the basis of assets, and the system of classification of tenants or record of rights, differ from that which must be followed under the law in Bengal.

"There is no settlement of ryots' rents in the Central Provinces in the Bengal sense. In Bengal, when a settlement of land revenue is being made, the settlement officer is bound by law, as a civil court, to settle each ryot's rent, enhancing or reducing the existing rent only on the grounds specified in the Tenancy Act, to the extent justified by those grounds, on such evidence as would satisfy a civil court, and his decisions are subject to appeal to the civil courts. In the Central Provinces, the settlement officer records as the basis of assets, in a more or less arbitrary way, such fair rent as he may, by the application to survey areas of rates worked out by himself, and what are called "general consideration," deem to be fair; if the parties do not accept the rent so recorded, they are left to fight the matter out in the district revenue courts. The settlement of rents, as the basis of the revenue to be demanded, is, therefore, a much simpler affair than it is in Bengal. Similarly, the determination of the class to which each tenant belongs is in the Central Provinces left to the subordinate amins, to a much greater extent than is desirable or possible in Bengal. In the Central Provinces, if the ryot and mulguzar (landlord) agree as to the status of the tenant, the latter is entered by the amin in the class to which he is supposed to have admitted himself to belong, the statements of the parties being to some extent verified by reference to the old settlement records. In practice it was found, on questioning some of the ryots in the presence of Sir E. Buck, that they did not know to what class, whether absolute occupancy, occupancy, or non-occupancy, they were supposed to have admitted themselves to belong; and when the entries to which they were supposed to have assented were explained to them, they did not know the meaning of the terms of classification. In Bengal the settlement officer himself, or an assistant settlement officer, is, under the Tenancy Act rules, bound to classify the tenants, and I think it is a matter of paramount importance that this duty should not be left to amins. I have here noted the essential points in which the system for settlement procedure in Bengal differs, and must continue to differ, from the system in Raipore, with a view to show that though the Raipore procedure may be more summary, and consequently cheaper, yet it cannot be followed where, as in Bengal, settlement, like other proceedings, are subjected to the tests of public criticism, and to appeal to the civil courts, nor in Behar, where the supposed admissions made by ryots to amins would be of little value."

Mr. Darrah's independent observations are to the same effect. There are, he says:—

2. There are four different kinds of work going on in the Central Provinces:—

A.—Settlement (without survey) by a native settlement officer.

B.—An ordinary cadastral survey, carried out by the Survey Department in Bilaspur.

C.—A survey

C.—A survey under a civilian settlement officer, managed through local amins, called (but hardly correctly) patwaris, at Raipore.

D.—A survey of their own circles by trained patwaris in Jubbulpore and three other districts.

C. is what has been spoken of as the "new system." A number of traverse sheets have been prepared in the ordinary way by the survey department, and Mr. Fuller is getting the interior details filled in by a set of local amins, to whom he has given circles, and whom he calls patwaris. The men belong to the Central Provinces, but they are sons of thanadars, policemen, khitmadgars, &c., not, with some exceptions, of the real patwari *jat*. They have been taken away from their circles (where all work has *pro tem.* stopped), and are engaged, just like the North-West amins here, in ordinary survey of a given piece of the Raipur district.

The arrangements are very similar to ours. There is, in fact, but one way in which a map, *khasra*, and *jamabandi* are prepared, and the Central Provinces system could not differ much from that in vogue elsewhere. At the head of the work, instead of a survey official like Mr. Barrett, is a civilian settlement officer. He has under him two native assistant settlement officers on 250 rupees and 175 rupees, and three circle officers on 60 rupees, 50 rupees, and 40 rupees. These latter are part of the permanent staff of the district, and are called district revenue inspectors. They correspond technically to our supervisor-kanoongoes, but are a better class. One assistant settlement officer is for assessment work. The other, and the three circle officers, have the four circles under them, into which the area is divided. Each circle has 60 patwaris with six inspectors. The inspectors get 30 rupees a month, and the patwaris 100 rupees a year on an average. In addition to this they get an allowance of grain, about 1½ per cent. on the amount *sown* in each village.

Consequently, directly over the patwari we find the inspector. Over him a Native circle officer, and over him an English settlement officer. The area estimated for the year's work is 750 square miles.

The actual charges are as follows :—

	Rs.
1 settlement officer on 1,000 rupees - - - - -	12,000
1 assistant settlement officer on 250 rupees - - - - -	4,050
1 ditto - - ditto - - on 175 rupees for six months - - -	
3 circle officers on 40 rupees, 50 rupees, and 60 rupees - - -	1,800
Travelling allowance for above - - - - -	2,200
14 inspectors for four months at 30 rupees - - - - -	1,680
24 ditto - for eight months at 30 rupees - - - - -	5,760
240 local amins at 100 rupees each per annum, with rewards	
4,000 rupees - - - - -	28,000
280 chainmen at 5 rupees for eight months - - - - -	11,200
Instruments and miscellaneous - - - - -	6,500
Office establishment - - - - -	10,394
Total - - -	Rs. 83,584

For this expenditure the following articles are being prepared in duplicate :—

- (1.) Map : one copy on paper, and one on cloth.
- (2.) *Khasra*.
- (3.) *Jamabandi*.
- (4.) English abstract of *jamabandi*.
- (5.) *Milan khasra* and *jinswar*.

The rate comes out 111 rupees per square mile. Add 32 rupees per square mile for the traverse survey (this being what it actually cost in Raipur), and we have 143 rupees as the total. For this Mr. Fuller estimates that he will be able to do the assessment too. I am inclined to doubt it.

The great advantage of the above method is the cheapness. The patwaris must be paid for whether or no, and they are taught and utilised as amins. Cost of training has not been included in the above, but these trained men will be left behind, and this is the second great advantage of the system. When the work is finished, each patwari will go back to his circle (that is, if after the training he has received, he can be induced to stay while cadastral parties want men elsewhere), and there will be a trained agency left to keep up the maps which that very agency prepared.

The weakness of the system, as it seems to me, lies in (1) the small amount of supervision, (2) the absence of any professional agency for doing professional work. We find in Assam that, with any amount of checking and constant running of careful partial lines by European assistants as well as by trained Native inspectors, we are always coming upon mistakes. Mr. Scott says the same of his party, and he has five Europeans under him. I am inclined to doubt the work as done by Mr. Fuller's party being sufficiently checked. Then the absence of professional supervision is, I think, a want. If Mr. Scott's party can really work at the same rate, or even a little more, I should be disposed to prefer it. Survey is not very difficult work, but there are technicalities in it which a non-professional man is exceedingly liable to overlook. If there were no hurry it is quite possible

possible that non-professional agency would do the work admirably; but when all are working at racing speed, as in a regular cadastral party, I think that the absence of the professional element is a distinct want. Of course Mr. Fuller's maps will not for a moment bear comparison with those turned out by a professional party, as far as appearance goes. But then he wants them for revenue assessment, and for that even slight inaccuracies are of little consequence, and superfine finish entirely useless.

The nature of the country is quite different. The village sites there are compact. Each village has usually one site, where the *malguzar* (possibly) and the cultivators (always) live. This site is small, and not fenced in at all. There may be a grove near, but that is the only obstruction. The rest of the country (I am not speaking of the jungly tracts) consists of open cultivation, or equally open unculturable plains. There are hills in some places; but these, I understand, are mostly uncultivated. It is possible to ride in a bee-line for miles in almost any direction. Bullock carts abound, and cart tracts run from village to village. Consequently survey is easy and rapid. Mr. Scott's amins are doing one square mile per month, sometimes much more. Here everything is different. The village sites are numerous, occupy a large area, are closely fenced in with tall clumps of bamboo. *Bils* and swamps abound, and the shortest route between two mutually visible points is often a very long round. Roads are few, and all of those that exist are not properly bridged. Carts, as a rule, cannot be used. Survey in a country like this has to contend with physical difficulties of a very serious nature, and it is not surprising, remembering this and other causes, that Mr. Barrett's amins are rarely doing more than half to two-thirds of a square mile a month.

The climate is entirely different. In the Central Provinces work can be carried on in the fields for seven and sometimes eight months. Last year the settlement officer's last patwari left field work on the 10th of July. The cold season is not very cold, but it is bright and fine. With us sickness caused by early rains usually begins in April, and work during May is almost impossible. In November and December, near the rivers, fogs interfere with operations in the morning. We have consequently hardly more than five months for our field work.

The character of the people is entirely different. In the Central Provinces I found the villagers only too ready to give assistance in any way in which it was required. They were good humoured and friendly, docile, easily amused. There was no poverty such as I have seen in parts of the North-West, yet any number of voluntary coolies were available at two or three annas a day. Not so in Assam. Here voluntary labour cannot be obtained. The people are lazy to a degree, generally disinclined to render the smallest service that involves trouble to themselves, and often swelled up with a ridiculous idea of their own dignity. I think everyone connected with the survey will admit that the character of the people has done more to retard our work here than even the physical difficulties of the country, or the deadly nature of its climate.

The system of cultivation in the two countries is quite different. Almost every area enclosed between visible boundaries is there held by an individual different from the holder of the next similar area. That is, there is minute sub-division of holdings in the Central Provinces. This was, no doubt, one reason why the system of surveying every visible *hiari* was adopted there. It is sometimes impossible, as stated above, to enter the whole of a number within the area shown on the map, and various devices had to be tried for getting over the difficulty. Then, large areas are under wheat, arhar, charhi, maize, linseed, cotton, &c., crops which require no minute sub-division for irrigation purposes, and which are generally sown in reasonable sized fields. The minute sub-division of holdings was generally found in the rice land, or else in that immediately around the homestead, these being about the most valuable classes of soil. In Assam, practically only one crop, viz., rice, has come under survey. The cultivation of this grain necessitates an infinity of small *dublas* and *kiaris*, and an amin looking out over a rice *pathar* sees nothing to indicate the boundaries of the holdings of different men.

Messrs. A. K. Raye and D. L. Roy, two Cirencester graduates, who were deputed from Bengal to learn the Central Provinces system, and spent a cold weather there, have reported on the system in all its details, and their reports are to the same effect.

Points of difference between Central Provinces and Bengal; reasons why Bengal settlements must be more expensive.

12. It is noticeable, apart from all other points of difference between the Central Provinces and Behar, that one main consideration which must affect the cost of survey work is this, that the agency by which the mass of the field work is done in the Central Provinces is either not paid at all, or it is paid at very low rates. The chainmen, who form a very considerable factor in the cost of survey, are supplied by the villagers free, while the amin is a patwari paid about 8 rupees a month. The difference between the rate of remuneration paid to patwaris, by whom field work is done in the Central Provinces, and the hired labour which has been procured in the open market in Bengal and Behar, affects not only the cost of field measurements, but all the subsequent operations. The case stands thus: An inferior patwari in the Central Provinces measures 320 acres, and a good

good one more, per month, for Rs. eight, and is allowed one chainman on Rs. four; total Rs. 12. An amin in Behar will do the same area for Rs. 20 a month, and is allowed three chainmen on Rs. 13 a month, or in all Rs. 33, for the same amount of work. The difference between the remuneration given to a patwari in the Central Provinces and an amin in Behar affects not only the measurement in the field, but subsequent operations of calculation of areas, tracing of maps, and copying out the records in the office.

A second main point which affects the cost is the size of the fields. In Behar there are two-and-a-half fields to an acre. In the central provinces the fields measure two-thirds of an acre each in Raipore, but in other districts the size of them varies from ten acres to each field in Wordha, to one decimal sixty-three acres each in Seona.* The enormous difference in cost which results from the size of the fields will be understood from the fact that the contract rate allowed by the Survey Department for field survey, where the fields number two-and-a-half to the acre, is Rs. 52 per thousand acres, while where the fields measure two acres each the rate allowed is Rs. 5-3-4 per thousand acres, or one-tenth of the amount for the same area; where they measure ten acres each the rate would be very much less. This consideration again affects the cost of attestation and of copying and settlement operations generally, for it is evident that where a settlement officer might attest the entries in the khatians, in the presence of the parties, of a very large area with one entry to ten acres, he could only do a twenty-fifth part of the same area with twenty-five entries to ten acres. It would be wholly impossible for one settlement officer and two assistant settlement officers, in one year, to check and control the survey and at the same time to complete the attestation, classification of holdings, record-of-rights, and settlement of fair rents of 750 miles, containing in Behar about two laks of separate tenancies. Even in the Central Provinces the result is only attained by leaving to amins and other subordinates the most important work of determination of the status of tenants—work which I think it is of paramount importance in Behar to have done by responsible revenue officers themselves, and which by law they are required to do themselves. I do not believe that a record-of-rights and settlement of rents, on the Central Provinces' system, would for a moment be accepted by the Civil Courts in Bengal.

13. The question then arises, can nothing be done to reduce the cost rate of survey in Behar? If we can get the patwaris of Behar to learn surveying and afterwards to work in the field on Rs. eight a month, and if we can get labour of chainman in Behar free, as is done in the Central Provinces, it is obvious the cost of survey might be very much reduced, just as the cost of building a house would be reduced if the masons worked for nothing, stones and mortar were supplied free, and only the timber, painting and decorations had to be paid for. Given patwaris to work, free labour, and fields of the same size as in the Central Provinces, there is no reason why a staff of the same strength should not turn out in Behar an equal area for the same amount as in the Central Provinces. The question is, can we get patwaris to learn surveying and to work in Behar in either or both the methods adopted in the Central Provinces? The answer, I think, is that we probably can, but only on the condition that the zemindars of Behar are given distinctly to understand that Government has determined that the survey shall be made whether they oppose it or no, and that, as it is to be made, it is to their interest to have the work done as cheaply as possible, and therefore to co-operate with survey and settlement officers by placing the services of the patwaris at their disposal, and by weeding out such of them as are hopelessly incompetent or reculant. But as long as the zemindars are under the impression that by opposing the survey they will end it, so long is it hopeless to attempt to train the patwaris, over whom the zemindars exercise dominant control, or to get the work done by means of them.

14. The duties of patwaris are defined in Section 16, Regulation XII. of 1817, to be—

(1) To keep such registers and accounts relating to the village as the Board may order.

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(2.) To

What can be done to reduce cost.

Employment of patwaris on survey

(2) To prepare every six months and deliver to the canoongo a copy of his accounts.

(3) To perform all other duties and services which it has been customary for him to execute.

The Board of Revenue (Mr. Reynolds), in discussing the meaning to be attached to Clause 3 of the section quoted, observed in *Vide Mr. Cotton's No. 712A, dated 21st October 1888.* 1880 :—"The power of appointment given to collectors by Regulation VIII. of 1793 is entirely inconsistent with the theory that in those days the patwari was a mere servant of the zemindar. Even this enactment was found insufficient, and Regulation XII. of 1817 was passed with the express object of supplying the deficiencies of the former laws. This Regulation distinctly defined the position of the patwari as a Government official. He was to be nominated by the zemindar, but his appointment and dismissal rested with the Collector and the Board. His duties were not restricted, as they had been under the Regulation of 1793, to matters connected with rent suits and partitions, but it was declared in the widest terms that he was to keep such registers relating to the village as the Board of Revenue might prescribe, and that he was to perform such other duties and services as it had been customary for him to perform. * * It appears to have been the principal object of the Regulation to make the patwari independent of the zemindar, and to give the Collector the first claim on his services."

15. In this view Government agreed.* The power of appointment and dismissal, which rests with the Collector and the Board necessarily involves the power of prescribing the qualifications which are to be regarded as conditions precedent to appointment and dismissal. It is, therefore, it seems to me, open to the Board and Government to declare that one of these qualifications must be ability to survey; and given this ability, it is also open to the Board to prescribe the undertaking of the survey of their several villages as one of the duties of patwaris.† This is admittedly one of their customary duties, and one which they, in fact, now perform in every district in Behar, though in a rough and unscientific manner.

* *Vide Mr. Under-Secretary Bolton's No. 1762R, dated 15th December 1880.*

† *Vide letter No. 1113R, dated 7th September 1880, from the Officiating Commissioner of Panna (Mr. Edgar) to the Board.*

16. *Programme for Survey of Behar.*—If, then, patwaris in Behar can be legally compelled to learn surveying according to modern methods, and to make a survey of their several villages according to these methods, the question arises how is this to be done?

I would propose, to begin with, that a junior civilian, who has been trained to survey and settlement work, be now placed in charge of a Behar sub-division, and that under him be placed either an assistant-surveyor of the Survey Department, or Mr. A. K. Raye, a Cirencester graduate, who has learnt the system of professional survey; that the sub-divisional officer should get the list of registered patwaris from the collectorate and call upon them to come into the head-quarters of the sub-division, and there be instructed in survey work. Afterwards, when the patwaris have passed out of the survey school, and it is shown by work in the field that they are really competent to carry on the work of cadastral survey, traverse skeleton maps of each village, prepared by the Imperial Survey Department, may be given, during next cold weather, to the patwari, and he may be left to carry on the survey of the village in the same manner as the patwaris of Jubbulpore do, subject to proper inspection and control. While the patwari is engaged in learning survey work, and afterwards, perhaps, while engaged in the measurement of his village, a naib or assistant patwari may be appointed to help him in carrying on his ordinary zemindari duties. The sub-division which I would select to begin this experiment upon is Bettiah, and the officer whom I would depute there is Mr. Walsh, c.s., who has already been employed on survey and settlement duty.

I would

I would select Bettiah, in Chumparum, to begin the experiment for the following reasons :—

Vide Mr. Halliday's No. 248, dated 4th August 1880, printed in volume of correspondence on Patwari Bill of 1885, paragraph 3.

1st.—That a separate patwari has there been registered for each village.

2nd.—Because some of the leading indigo planters in that sub-division themselves asked for a survey and record-of-rights, and were dissuaded from undertaking it because they thought the expense too high. If they now are willing to assist in carrying out the work in the manner indicated the expense will be reduced ; at all events they may be given the option of having the work done in this manner.

3rd.—Because there is in that sub-division, in the Maharajah of Bettiah, a large proprietor, whose manager, Mr. Gibbon, C.I.E., may be expected not to offer factious opposition to the proceedings.

4th.—Because there is uncertainty as to amounts* of rents and length of the standard of measurement.

* *Vide note by Mr. Henry, late Officiating Collector, annexed to Mr. Boxwell's No. 223V, dated 21st March 1889.*

If the experiment succeeds in Bettiah, the system may be rapidly extended to the whole of Behar.

17. But in view of the possibility that we may not be able to surmount difficulties in the way of training patwaris and getting the work done through them, and in view also of the fact that it is very doubtful whether the zemindars themselves would not prefer the more expensive system, it would, I think, be wise to allow the survey to proceed next cold weather in the Mozufferpore district on the system adopted in the experimental survey, which has *proved* to be successful, namely, to allow the Survey Department to carry on the survey of as large a portion of that district as they can with one party next cold weather. Colonel Steel estimated that a full party will be able to survey cadastrally 1,400 square miles in one year. I would recommend that Mr. Collin, as settlement officer, be placed in charge of this portion of the operations. The traverse survey of 300 miles in advance of cadastral work was done by Colonel Barron before the operations were stopped, and there would be no difficulty in resuming cadastral work early in November.

18. The total area of the Patna Division is 23,651 miles, of which an area of 413 square miles was cadastrally surveyed by Colonel Barron, leaving an area of 23,238 to be surveyed. It would take 16 years for one survey party of full strength to complete this area, assuming it to turn out the amount of work estimated by Colonel Steel as possible for one party, and eight years for two such parties to do so. Colonel Strahan, however, thinks it would not be safe to conclude that two parties will turn out more than 2,500 square miles a year, so that, according to him, it would take nine years for two parties to complete the survey of the Patna Division. If, however, the alternative system above sketched out be adopted, there is no reason why work should not be started simultaneously in all sub-divisions of Behar, or in as many of them as may be desired, by placing in charge of these sub-divisions junior civilians, or other competent officers, trained to survey and settlement work, who at first would, with the assistance of a professional assistant surveyor, undertake the organization and training of patwaris, and who afterwards might, when the work of survey will have been sufficiently advanced to afford them continuous employment in settlement duty, be employed exclusively on the preparation of the record-of-rights and settlement of rents of their several sub-divisions.

19. There are 23 sub-divisions in Behar of the extent noted in the margin.

DISTRICT.	Sub division.	Area according to the Census Report of 1881.
	<i>North Behar.</i>	Sq. miles.
Daibhunga	Sudder	1,222
	Madhubani	1,349
	Tajpore	764
Mozufferpore	Sudder	1,218
	Sitamarhi	1,014
	Hajipore	771
Champarun	Motihari (sudder)	1,518
	Bettiah	2,013
Sarun	Chuprah (sudder)	998
	Gopalgunge	471
	Sewan	853
	Total	12,491
	<i>South Behar.</i>	
Shahabad	Arrah	915
	Buxar	656
	Sasseram	1,493
	Bhabua	1,301
Gya	Sudder	1,839
	Nawada	1,020
	Jehanabad	607
	Aurangabad	1,246
Patna	Sudder	617
	Dinapore	143
	Barh	526
	Behar	793
	Total	11,156
	GRAND TOTAL	23,647

The Survey Department would be able to complete the traverse survey of 3,000 to 4,000 square miles a year, with one traverse party, if relieved of cadastral work. It is impossible to say, at present, what time the patwaris would take to complete the field survey of their several villages, but it may be assumed, if the system of survey by patwaris succeeds at all, that each patwari would be able to complete his village in two years from date of receipt of the skeleton map of his village, or, where he fails to do so, that a competent man may be expected to do it in his place, and that the record-of-rights and settlement of rents of any particular area might be completed in three years from date of receipt of the skeleton map.

I cannot give the exact cost at which the work of survey and record-of-rights may be done, in this manner, with any approach to accuracy; but it is probable the cost will not exceed four to five annas per acre, and may be less. For the reasons already stated, the

cost cannot, at best, be expected to be as low as in the Central Provinces.

20. Another system which has been suggested, by which the cost of survey and settlement might be reduced, is to amalgamate the survey and settlement departments, so as to have the whole work under the supervision of the Settlement Officer, but to employ hired amins for the conduct of the survey, as at present. Mr. Collin, in a note dated 29th December (which is annexed), says that the saving to be effected in this way would not be appreciable. I am disposed to think that he underestimates it; but it is obvious that the saving would not be anything like what would be effected by employment of patwaris.

21. *Distribution of Costs.*—The Government of India has expressed its willingness to pay the cost of traverse survey, which

* For the Patna Division.

Rs. 40 × 23,238 = 9,29,520.

The expenditure by Government on the survey and record of rights of 5,500 square miles in the Benares Division is 38½ lakhs.

may be estimated at Rs. 40 per square mile, or one anna an acre.* Assuming the maximum cost rate to be seven annas an acre, and that the Government of India pay one anna per acre, the remaining six annas might, I think, be levied in the proportion of two-thirds or four annas per acre from the zemindars, and one-third or two annas per acre from the raiyats. If, however, we succeed in training patwaris to do the work of survey, and the cost rate is thereby reduced to five annas per acre, the zemindar's share would be only two and two-third annas and the raiyat's one and one-third annas per acre. The raiyats of the Srinagar-Banaili estates are paying, and the Settlement Officer is realising from them, without compulsory process, two annas per acre on the area of their holdings, and I have very little doubt that the raiyats of the Patna Division would also be willing to pay at that rate for the advantages secured to them by an accurate record of their rights and liabilities. The Legal Remembrancer has expressed an opinion that neither the whole costs of the proceedings, nor any portion of them, can be realised under Section 114 of the Tenancy Act till the proceedings are completed. It appears to me that there is nothing in Section 114 to warrant this conclusion, and in this I am supported by the opinion of Mr. Rampini. Any portion of the expenses actually incurred may be realised under Section 114 at any time, in such proportions as Government may determine, and the simplest and

and most effective way of realising them would be to declare, when the record-of-rights of each tract is approaching completion, that the raiyats shall pay a certain rate per acre on the areas of their holdings, approximating one-third of the cost of cadastral survey and of the record-of-rights, which rate will at that time be known, and to allow the Settlement Officer to realise, at the time of distributing among the tenants of the khatians or extracts relating to their holdings, the amounts due from them, and afterwards to realise the balance of the entire expenditure, whatever it may be, from the zemindars.

22. *Maintenance of the Records*.—If the scheme of organising and training patwaris to do the work of survey is successfully carried out, the question of maintaining the records will be solved. The patwaris who undertake the survey can also maintain the records under the existing law, and can be paid from the sources from which they are now paid. It is not quite certain what that source is, as the High Court has recently decided that patwari *neg* or *hisabana*, which has hitherto been realised by zemindars from the raiyats, and paid to patwaris by them, is illegal (*Full Bench Ruling, Radha Prasad Sing versus Bal Kowar Koeri, Indian Law Reports, Volume XVII., page 72*).

Section XVIII., Regulation XII. of 1817, prescribed that the patwaris were to be paid in the same mode as they were paid when that Regulation was passed. So far as I am aware, patwaris in Behar have hitherto been paid by the zemindars, who in turn realised the sum so paid or more from the raiyats in the form of *neg* or *hisabana*. As the High Court, by the recent Full Bench ruling (which has not been appealed against), and the Privy Council in a previous case, have decided that it is illegal for a zemindar to realise this *neg* or *hisabana* from the raiyats under any pretence whatever, it would appear to follow that the zemindars alone are responsible for the payment of the patwaris. In view of the rulings referred to, it is possible that the zemindars may not now object to a Bill legalising *hisabana*, or in other words a patwari cess. It cannot any longer be said that such a measure would impose any additional burden on the land. It would only have the effect of legalising a burden already in existence, which the High Court has now definitely declared to be illegal so far as it is realised from the raiyats. The Patwari Bill of 1885 was vetoed by the Secretary of State on the ground that it would impose a new burden on the zemindars. Such a Bill would now to some extent relieve them of a burden, for somebody is bound, under Regulation XII. of 1817, to pay the patwari, and as the raiyats are not so bound, it follows that the zemindars are. Under the Patwari Bill it was proposed to apportion the patwari cess between the zemindars and raiyats; but the Bill was objected to by the zemindars, who, at the time, were realising the whole of the patwaris' salaries from the raiyats.

23. But if the scheme of carrying out the survey by patwaris cannot be successfully worked, and it be found necessary to carry on the field survey through the agency of amins, then I think it is desirable that the question of maintaining the records should be allowed to remain in abeyance till progress had been made with the survey and record of rights, and the facts regarding the existing agency of patwaris available in each tract are accurately ascertained. I think that, even if the present patwaris are found to be incompetent to do the work of survey, there is no reason why, under the existing law, they should not be reorganised by the Settlement Officer village by village, as the settlement of each tract is concluded, or why competent men should not be substituted for such of the present staff of patwaris as are hopelessly incompetent or recusant.

24. To sum up: I would recommend—

1st.—That the survey of Mozufferpore be resumed by a professional survey party next cold weather. This party will afford a recruiting ground from which instructors and inspectors may be drawn; it will also enable us to compare the comparative merits of field survey done by hired labour and by patwaris, and it will further be a guarantee for having a certain area completed whether the scheme of training patwaris succeeds or no.

188.

Y 3

2nd. That

2nd.—That an attempt be made to train patwaris of the Bettiah sub-division to survey under a trained sub-divisional officer, to be posted to that place, who will be assisted by an Assistant Surveyor of the Survey Department, or by Mr. A. K. Raye.

3rd.—That if this attempt is successful, and the cost of survey is thereby reduced, the system be extended to other sub-divisions.

4th.—The cost of survey and settlement operations, if the work of survey is done by the agency of the professional department and hired amins, will be about seven annas per acre.

5th.—If the field survey is done by patwaris working under civil officers, with the aid of assistant professional surveyors, the cost will probably be four to five annas per acre.

6th.—The cost may be distributed in the following proportions:—

(a) To Government cost of traverse survey at Rs. 40 per square mile, or one anna per acre.

Of the balance—

One-third to be charged to the raiyats. Two-thirds to the landlord.

The whole cost may be realised, for each tract, by the Settlement Officer as soon as the proceedings on that tract are approaching completion, and should not be realised in instalments spread over a period of years.

7th.—If patwaris can be trained to do the work of field survey, they also can maintain the records.

8th. If it be found that patwaris of Behar cannot be trained to do the work of survey, then the survey must be done by hired labour of the best local amins available, and the question of reorganising the patwaris and of substituting competent for incompetent men can be taken up separately for each tract, as the survey and record of rights of it is completed.

(signed) *M. Finucane,*

Dated 2nd January 1891.

Enclosure 6, in No. 5.

From Lieut.-Colonel *C. Strahan*, R.E., Offg. Deputy Surveyor-General, in charge Revenue Branch, Survey of India, to the Director of the Department of Land Records and Agriculture, Bengal, No. ⁸¹/_{RI 5-81}, dated Calcutta, 5th June 1890.

I HAVE the honour to acknowledge receipt of your No. 420TA., dated 12th March 1890.

2. Apart from local conditions, such as climate, nature of the country, price of labour, &c., which manifestly largely affect the cost of survey operations, there are two things which are essential for the economical working of a cadastral party—(a) That the working establishment shall be as large as possible, with due regard to proper supervision and inspection, so that the proportion of the cost of superintendence and fixed establishments to that of the amins working on contract shall be reduced to a minimum; and (b) that the work must be in large continuous areas and not in small scattered portions.

In close connection with (a) is the amount of money which it is intended should be spent each year, for within certain limits the cost of superintendence will remain the same, and a reduction in total expenditure will only be effected by a reduction of the working establishment, whereby the area will be lessened without proportionately lessening the total cost, and the rate will consequently be increased. Attached is an estimate, drawn up by Colonel Steel, based on his own experience, and on Colonel Barron's report of the trial survey in Mozufferpore in 1885-86, of a cadastral party of full strength and properly proportioned, which

which is supposed to turn out about 1,400 square miles a year at a cost of Rs. 2,10,000 in a country such as Behar, where the price of labour is not very excessive, and where the field is of a fair size. The rate per acre in this estimate is $3\frac{1}{2}$ annas. Now, if the annual expenditure be reduced to, say, Rs. 1,75,000, this rate would be increased to nearly $4\frac{1}{2}$ annas, whilst a further reduction to Rs. 1,50,000, would raise it to $4\frac{3}{4}$ annas per acre.

3. The local conditions which affect the cost are not a few; and as they vary more or less in every district, it is manifestly impossible to make a general estimate which will be true for the whole of Bengal. The most important are as follows:—

- (1.) The size of the field and the nature of the country, whether much enclosed or not.
- (2.) The price of local labour.
- (3.) The length of the field, season, and climate.
- (4.) The style of tenure.
- (5.) The attitude of the inhabitants towards the surveyors.

(1.) The size of the field is a most important factor in the calculation of the cost of work; it directly affects the out-turn of the amin, and consequently, as he works by contract, it reduces his monthly earnings; if this goes below a certain limit he will be discontented and will refuse to work unless the contract rate be raised; indirectly, by making the progress slower and the time occupied in finishing the district longer, the general cost is enhanced in addition to the higher rate per acre, and the cost rate is still further increased. A country much enclosed, where the view is interrupted by groves or gardens, has a similar effect.

(2.) As in the whole of Bengal no labour is given free, it is manifest that its price must largely affect the cost of the work done in that province. It may not perhaps affect the contract rates of the amins, but the cost of the menial establishment is much increased.

(3.) Setting aside other questions, it is clear that the amins will turn out more work during a long healthy field season than during a short one in a sickly country; the annual out-turn is increased, the district is finished sooner, and the general cost is reduced in proportion.

(4.) The simpler the style of tenure the more easy is the work and more quickly is it done.

(5.) It is evident that where the inhabitants are opposed to the survey, there are many ways short of active resistance by which they may greatly retard the progress of the surveyors, such as refusing to attend during the writing of the records or to point out boundaries, making vexatious complaints, &c. &c.

The attitude of the natives depends, to a very great extent, on the assistance rendered by the civil officers of the district, more particularly by the Settlement Officer. The opposition, as a rule, decreases in direct proportion to the co-operation of the Settlement Officer.

4. Four out of the above five conditions are beyond control, and consequently it is impossible to state beforehand with any certainty that the cost of survey work in Bengal will everywhere be reduced; it must vary considerably according to the district, and separate estimates must be made for the different portions of the province where the conditions differ. The maximum may be taken as 8 annas per acre and the minimum as $3\frac{1}{2}$ annas or even less, for survey and khanapuri. The following cost rates taken from last year's report in three different districts exemplify what has been said above:—In Julpigoree, where the climate is excessively bad, the nature of the country difficult, and the opposition of the natives great, the rate is 7 annas 11 pies; in Chittagong, where the size of the field is very small, the opposition of the natives considerable, the rate is 6 annas 10 pies; whilst in Orissa, in Angul, the rate is $4\frac{1}{2}$ annas, in Kujong it is 3 annas, and in Banki in 1887-88 it was less than 3 annas. In all probability, in Julpigoree, the rate could, under no circumstances, be much reduced. In Chittagong, it is probable, that by employing a full cadastral party instead of a detachment, and thereby largely increasing the annual cost and adding to the area, but in a greater degree, the rate might be reduced, though it would not

be safe to calculate on less than 6 annas per acre, the size of the field being excessively small and the country very much enclosed. In Orissa the work has been more or less continuous, the size of the field is large, and, except for the opposition of the natives, no special difficulties have been met with. The rate is consequently low, and it may be estimated that it will continue at about the rate of 4 annas per acre. In Behar, with the full sized party for which an estimate is enclosed, the probable rate is calculated as being $3\frac{1}{2}$ annas per acre. I do not think, however, that it would be safe to reckon on this low rate, at all events not during the first year. Colonel Steel has, in my opinion, been over-sanguine as to the area which would be turned out, and I think it would not be safe to estimate for a lower rate than $4\frac{1}{2}$ annas per acre.

5. In your No. 187T.A., dated 9th February 1889, to the Board of Revenue, you say that the rate may be reduced below the estimate of 8 annas per acre, first by subordinating officers of the Survey Department employed on provincial surveys entirely to the local government while so employed, and second, by insisting on the employment of local agency instead of up-country amins; the third and fourth reasons being connected solely with settlement operations, are omitted.

6. In your paragraph 2 you go on to say that the desirability of thus subordinating the survey officers to local governments has been allowed by the Government of India, and that the Surveyor General and Deputy Surveyor General both agree with your recommendations.* It has already been explained at the informal conference held in March last that the officers of the Survey Department, who were to be subordinated to the local government, were those who were to be employed on the maintenance of village maps, &c., and not those who were attached to cadastral parties employed on initial survey work. This subject has been entered into and arrangements suggested by the Secretary to the Government of India, Revenue and Agricultural Department, in his No. 342C.I., dated 24th March 1890, to Secretary to the Government of Bengal, copy of which is enclosed. I do not, however, quite follow, how, under any circumstances, this proposed subordination would have affected the cost rates, unless the cost of supervision were to be reduced by the orders of the local government. Experience has proved that the European superintendence in our cadastral parties, when working at full strength, is not greater than is necessary for the proper inspection of the work, and any reduction in cost brought about by such a step would be at the risk of introducing inferior work?† In Bengal particularly it has been found that one experienced deputy superintendent is necessary for the superintendence of each cadastral party, and that it would be quite impossible for one officer to take charge of parties in Chittagong, Orissa, and in Behar, and to do his duty properly to each. The fault of the system in Bengal has hitherto been that large areas of connected work have not been given to us to survey, and not that the supervision of a properly organised cadastral party is too expensive‡.

7. Your second recommendation, so far as I can at present judge, is in Bengal one of the causes of high cost rates, and its universal introduction would probably lead to a much higher expenditure, on the survey work, at all events, than would be the case if the amins were all trained men imported from the North Western Provinces. Every officer who has conducted survey operations lately in Bengal has complained of the slowness and idleness of the Bengali amin; at all times he is most dilatory about commencing work in the morning, so that in winter, when the days are short, he loses some of the few hours of daylight, and in hot weather he is too lazy to begin early, and then he complains of the heat of the sun, and stops work soon after he has begun. They work much more slowly than the North Western Provinces' amins, and yet they demand higher rates. There can be no two opinions that for the survey only, apart

* This was not so stated at the Delhi conference, and is not, in my opinion, consistent with the wording of the correspondence on the subject. *M. F.*

† But it is by reducing the supervising staff that the cost of work was lessened in the Central Provinces, also the want of co-operation by the local officers, which is often spoken of as one of the elements in the high cost would be obviated, if all officers were under the local government concerned in the operations. *M. F.*

‡ Large areas have been given in Julpigoree and Chittagong, where the cost is excessively high. *M. F.*

apart from the writing of the records or any question of the training of a local establishment for the maintenance of maps, the employment of local labour in Eastern Bengal, if not all over the province, considerably increases the cost, and if it is insisted on this fact must be faced. As, however, the imported amins are always more or less ignorant of the language and are strangers in the land, the record writing by them has, in some cases, proved a failure, and must in every case necessitate the employment of mohurrirs to write out the khasras in the local vernacular. This is objectionable and leads to expense, but the attempt to do the whole of the survey work and record writing by local labour only would, I firmly believe, end in failure.* In all cases, I consider a nucleus of previously-trained North-Western Provinces amins is absolutely essential in a cadastral party working in Bengal during, at all events, the first two or three years. Whether, in a district like Behar, it would be possible to gradually reduce the number of imported amins and finally to work entirely with local labour, as has been successfully done in Assam and in parts of the North-Western Provinces, is not yet known. I am perfectly well aware of the importance of training a local staff, and instructions have been issued to all officers to do all in their power to induce men to come and be trained, and considerable numbers have passed through a course, but as matters stand at present, I think it should be clearly understood that, as far as the survey itself is concerned, our present experience shows that the employment of local patwaris and others will increase and not decrease the cost.

8. Should the survey of Behar be resumed, I hope the use of a chain representing a local measure may be discontinued. In my opinion all areas all over India should be measured with the Gunter's chain and recorded in acres; in this form they are at once comprehensible to all other departments; they are comparable one with another, and there can never be any doubt as to the exact area, all being based on one standard unit, instead of a different one for each district. By means of tables the values are easily converted into the local measure, and these can be inserted in the vernacular forms in addition to those in acres.

9. I think the extracting of the area of the field on the spot by the amin is of doubtful utility; it hinders the amin at his work, and the map is liable to be injured by the constant use of the area comb in the field; it also tends to bribery. Moreover, the area as thus given cannot be considered as final, as the work at that time cannot have been inspected; hence it appears to be waste labour.

10. Lastly, I would urge the desirability of sufficient notice of any new survey being given before the commencement of the field season, so as to allow of the Mathematical Instrument Office being informed as to the instruments that will be required, and also to enable the deputy superintendent to organise his party in time. If this is not done, some of the winter months, when the out-of-door work should be making rapid progress, will be wasted.

Enclosure 7, in No. 5.

From Lieutenant-Colonel C. Strahan, R.E., Officiating Deputy Surveyor-General, in charge Revenue Branch, Survey of India.

To the Director of the Department of Land Records and Agriculture, Bengal.

No. 67, dated Calcutta, the 24th June 1890.

In reply to your letter No. 928 T.A., dated 19th instant, I have the honour to forward copy of Colonel Steel's estimate for Behar survey, together with extract from his memorandum, dated 24th May 1890 (paragraph 17), showing the details of the temporary or local estimate.

* Then why has it not ended in failure in Orissa, where it was strongly opposed at first? M. F.

† Is this quite correct? In the Srinagar-Banali estates local labour was employed and yet the work is not expensive. If survey officers were attached to the province and understood its needs and the language and habits of Bengalees as well as they do up-countrymen with whom they have been working, I think they would find that Bengalees and Behares are not so lazy as they are painted M. F.

SURVEY OF INDIA DEPARTMENT.

Budget Estimate to accompany Estimate for Survey of Behar, 1,400 Square Miles per Annum, for Financial Year ending 31st March 189 -9

No. of Head.	DESIGNATION AND NAME.	Number in			Actuals.	Sanc- tioned Estimate.	Estimate.	Total.
		188 -9	189 -9	189 -9	189 -9	189 -9	189 -9	
	DEPUTY AND ASSISTANT SUPERINTENDENT.						Rs.	Rs.
1	Deputy Superintendent, Rs. 1,300	-	-	1	1	-	15,600	
	Assistant ditto	-	-	-	-	-	-	
		-	-	1	-	-	15,600	15,600
	SURVEYORS AND ASSISTANT SURVEYORS.							
2	Surveyors, 1st Grade, Rs. 1,500 ; 2nd Grade Rs. 1,400	-	-	2	-	-	10,800	
	Surveyors, 3rd Grade ; 4th Grade	-	-	-	-	-	-	
	Assistant :	-	-	-	-	-	-	
	Surveyors, 1st Grade 2 = Rs. 500 ; 2nd Grade 2 = Rs. 400	-	-	4	-	-	10,800	
	Surveyors, 3rd Grade 1 = Rs. 160	-	-	1	-	-	1,920	
		-	-	-	-	-	23,520	23,520
	NATIVE ESTABLISHMENT.							
3	Writer, Rs. 60, Rs. 40, Rs. 40	-	-	3	-	-	1,680	
	Sub-surveyors, average pay Rs. 22	-	-	16	-	-	3,168	
	Draftsmen (Revenue Branch), average pay Rs. 20	-	-	5	-	-	1,200	
	Computors (Revenue Branch), average pay Rs. 27	-	-	5	-	-	1,620	
	Hospital Assistant, Rs. 40	-	-	1	-	-	480	
	Tindals and khalassies, 60 at Rs. 6-8, 200 at Rs. 5	-	-	260	-	-	9,500	
	Guards or burkundazes	-	-	24	-	-	2,232	
	Special extra establishment, if any ; 3 typers at Rs. 18	-	-	3	-	-	648	
		-	-	-	-	-	20,528	20,528
		-	-	-	-	-	-	
	ALLOWANCES.							
4	Local allowance to gazetted officers	-	-	-	-	-	-	
	Ditto - to Surveyors and Assistant Surveyors	-	-	-	-	-	-	
	Ditto - Native establishments	-	-	-	-	-	-	
	Travelling allowance at daily rates to gazetted officers	-	-	-	-	-	905	
	Ditto - to Surveyors and Assistant Surveyors	-	-	-	-	-	3,982	
	Ditto - to Native establishment	-	-	-	-	-	2,000	
	Excess moiety charges to gazetted officers	-	-	-	-	-	-	
	Excess moiety charges to establishments	-	-	-	-	-	-	
	Travelling allowance by rail, road, or boat	-	-	-	-	-	2,500	
	For going to or from recess-quarters	-	-	-	-	-	500	
5	For transfers for newly-appointed officers	-	-	-	-	-	-	
	Compensation for dearness of provisions to menials	-	-	-	-	-	-	
		-	-	-	-	-	9,887	9,887
		-	-	-	-	-	-	
		-	-	-	-	-	-	
	SUPPLIES AND SERVICES.							
5	Purchase and maintenance of stores, tents, &c.	-	-	-	-	-	1,500	
	Purchase of medical stores	-	-	-	-	-	340	
	Police guards	-	-	-	-	-	-	
	Feed and keep of elephants	-	-	-	-	-	-	
	Jungle clearing and line-cutting	-	-	-	-	-	7,000	
	Building survey stations and pillars	-	-	-	-	-	-	
		-	-	-	-	-	8,840	-

SURVEY OF INDIA DEPARTMENT—continued.

No. of Head.	DESIGNATION AND NAME.	Number in			Actuals.	Sanctioned Estimate.	Estimate.	Total.
		188 -9	189 -9	189 -9				
	CONTINGENCIES.						Rs.	Rs.
6	Conveyance of tents, stores, records, &c.	-	-	-	-	-	1,200	
	Rent of offices and godowns -	-	-	-	-	-	2,000	
	Service telegrams -	-	-	-	-	-	100	
	Postage charges -	-	-	-	-	-	200	
	Muzuri peons -	-	-	-	-	-	-	
	Miscellaneous -	-	-	-	-	-	1,660	
							5,160	14,000
	TEMPORARY OR LOCAL ESTABLISHMENTS.							
7	Salaries -	-	-	-	-	-	53,076	
	Travelling expenses -	-	-	-	-	-	2,000	
	Contingencies, i.e., area, &c. -	-	-	-	-	-	71,325	
							1,26,401	1,26,401
	GRAND TOTAL -	-	-	-	-	-	2,09,936	2,09,936

(signed) Edward H. Steel, Lieutenant-Colonel, R.C.S.,
Deputy Superintendent in charge No. 2 Party (Eastern Bengal).

Barrackpore, 24 May 1890.

Extract from Lieutenant-Colonel E. H. Steel's Memorandum, dated 24th May 1890 (paragraph 17).

The details of the Cadastral Estimate are as follows :—

	Rs.	Rs.
1 Sadar Munsarim at Rs. 60 -	720	
3 Naib Munsarims „ 40 A. V. -	1,440	
10 Head Inspectors „ 70 A. V. -	8,400	
20 Under Inspectors „ 35 as for 6 months	2,100	
2 Record-keepers „ 40 A. V. -	960	
2 Assistant record-keepers at Rs. 20	480	
5 Draftsmen Rs. 30 A. V. -	1,800	
5 Computers „ 25 A. V. -	1,500	
10 Mohurirs at Rs. 20 -	2,400	
41 Ditto „ 16 -	5,952	
1,012 Coolies at Rs. 4-8 for 6 months -	27,324	
Total fixed Salaries -	53,076	
CONTRACTS.		
905,000 acres at Rs. 3 per 100 acres is equal to -	27,150	
1,810,000 numbers khasra and khatian at 12 annas		
per 100 numbers -	13,575	
Drawing contract for 1,810,000 -	3,500	
Tracing ditto, two copies -	3,000	
Area computing twice -	6,000	
Contingencies -	18,100	
	71,325	
Travelling Expenses -	2,000	
	2,000	
CADASTRAL GRAND TOTAL -	126,401	

Enclosure 8, in No. 5.

Note on the Cost of Survey and Settlement for Behar, by Mr. *Collin*.

In my letter, No. 19, dated the 14th April 1890, I submitted an estimate for the survey and settlement of Behar.

2. The cost, according to my calculation, would be Rs. 311 per square mile, or as nearly as possible Rs. 7-9 per acre.

3. I have since received from the Director of Land Records copies of the following papers :—

- (1) No. $\frac{61}{R. 15-6}$, dated the 5th June 1890, from the Officiating Deputy Surveyor-General of India, with an estimate by Colonel Steel.
- (2) Extract from a report on Raipore settlement work, by Mr. D. L. Ray.
- (3) Extract from a similar report by Mr. A. K. Ray.
- (4) Letter from the Director of Land Records, Bengal, to the Government of Bengal (No. 45 Mis., dated the 28th March 1887), on the results of his deputation to the Central Provinces to examine the system of survey and settlement there in force.
- (5) Resolution on the Revenue administration of the Central Provinces for the year 1888-89.

4. In my original letter, No. 19, dated the 14th April 1890, I said that the attempt to train local men for the Srinagar-Baneili survey had failed. By *local* men, I intended residents of the locality. Such persons would not come forward to learn survey work. In Behar, however, local men were trained in the Mozufferpore survey, and would be available for the Behar survey. Many amins would also come from Ghazipore and Goruckpore, and as they know the language and are good workers there would be no objection to their employment.

5. I observe that my estimate and that of Colonel Steel, though made independently, yet approximate very closely when the difference of area is considered. I have again carefully considered my estimate, but do not find that it can be materially reduced. If, however, one officer is retained to supervise both survey and settlement, and the area to be completed in a year is 1,400 square miles, the cost of survey (cadastral) would be Rs. 130 per square mile, and of traverse survey Rs. 25 per square mile, or total for survey Rs. 155 per square mile against my previous estimate of Rs. 167. The cost for settlement would be Rs. 126 (inclusive of demarcation and boundary pillars). To this must be added the salary of the settlement officer and of his establishment, or about Rs. 15 per square mile. Thus the total charges for traverse survey, cadastral survey, and settlement would be Rs. 296, or $7\frac{1}{4}$ annas per acre. The saving effected by the amalgamation of the survey and settlement offices under one officer would be about Rs. 12 per square mile, or three pies per acre.

6. On a reconsideration of the estimate included in my letter, No. 19, dated the 14th April 1890, I find that the following figures may perhaps be reduced, viz., contingencies of out-door establishment, which I fixed at Rs. 13 per square mile, and cost of printed form, which I put at Rs. 8 per square mile. As to the former figure, it is to be noted that contingencies include instruments for survey, extra pay to amins for surveying village sites or any special work, &c., while, as to the charge for forms, it might be an Imperial stationery charge. A slight saving also might be made in the charge for coolies employed under the amins; it might be possible to make a saving of Rs. 10 per square mile under these heads, or three pies per acre.

7. On reviewing the out-door survey establishment proposed in my letter, I do not see in what ways, other than those mentioned in the preceding paragraph, a reduction of expenditure is possible. I calculate that an amin surveys one square

square mile a month. This is the rate which is apparently accepted in the Central Provinces, where I learn from the report on the progress of land, revenue settlement operations for the year ending the 30th September 1889, 143 amins surveyed 652 square miles in Raipore during the season, but prepared records of 472 square miles only. The fields in Raipore were '60 of an acre, whereas in Behar they average '40 of an acre.

In other districts the fields in the Central Provinces are much larger.

M.F.

8. According to the rates of pay allowed by the Survey of India Department, an amin, supposing that he completes one square mile in two months, earns about Rs. 13 to Rs. 15 per month. In the Central Provinces the amin or putwari is paid Rs. 6 or Rs. 7 per mensem. Considering the fears which are felt as to the exactions of amins in Bengal, the reduction of their earnings would be inexpedient. In the estimate of the cost of the Raipore settlement for 1886-87, given in Mr. A. K. Ray's note, there are 250 chainmen provided for 353 survey putwaries. No coolies are provided in the Central Provinces, whereas they must be paid for in Behar.

9. In my estimate the cost of supervision is Rs. 25 per square mile against Rs. 61-12 for amins and coolies. The cost of supervision appears excessive, but in the Central Provinces there is one inspector to 10 or 12 patwari-amins. This appears to be the regular establishment, and it would not be wise to reduce it in Behar, where the landlords in the experimental survey insisted most keenly on adequate supervision of the amins.

10. It is difficult to compare the cost of survey and settlement in the Central Provinces, with the result of experience in Bengal. In the report on the progress of land revenue settlement operations in the Central Provinces for the year ending 30th September 1889, figures are given which show the cost of survey and settlement. Those figures, however, represent only the charges debitable to the Settlement Fund. The costs of survey are also met from the Putwari Fund, and if these are taken into calculation the expenditure in most cases is nearly doubled. The survey of the Raipore district can be best compared with the survey of a Behar district, because the average size of fields is small, viz., '66 of an acre. So far as I can gather from the statements included in Mr. Fuller's report, there were two classes of survey, viz., camp survey, 598 square miles, and halkabandi, 652 square miles. The total cost was Rs. 1,00,621, or about Rs. 125 per square mile. The cost of survey, attestation, and assessment of the camp survey (598 square miles) is stated to have been Rs. 43,388, or, including the amount defrayed from the Putwaries' Fund, Rs. 84,066. It appears, however, that a portion of the expenditure from the Putwari Fund was on account of the halkabandi survey. Taking this amount as one-half of the whole charge debited to that fund, the cost of the camp survey, attestation and assessment will be Rs. 63,715. There is no means of ascertaining the cost of attestation and assessment. It appears that 804 square miles were attested with about 25,000 raiyats. The number of holdings is the best test of the expense of a settlement. In Behar, where the holdings are minute, viz., about 300 per square mile, an assistant settlement officer is expected to complete 140 square miles in a year, at a cost of Rs. 16,000; this area would contain 42,000 holdings. The attestation, therefore, of 25,000 holdings would cost about Rs. 10,000. Deducting this from the total cost in Raipore, as stated above, the cost of survey alone comes to Rs. 53,715, or about Rs. 90 per square mile. To this must be added cost of traverse survey at Rs. 25 per square mile, making the total cost of survey Rs. 115 per square mile. This, no doubt, contrasts favourably with the estimate of Rs. 156 per square mile for Behar; but it is to be remembered (1) that the fields in Raipore average '66 of an acre against '39 in Behar, (2) that cooly labour is not paid for in Raipore, whereas in Behar it costs Rs. 16 per square mile, (3) that the system of survey is not so complete as that in use under the Survey of India Department (it is in fact, according to Mr. Finucane's Report, No. 45, dated the 28th March 1887, a system tried and abandoned in Bengal, and one which allows, according to Mr. A. K. Raye's Report, errors of 10 links, or nearly two yards), and (4) that the putwari amins receive only an average of Rs. 7-8 per mensem against Rs. 15 under the Survey of India.

Taking all these facts into consideration, and remembering past experience in Bengal, it would not, in my opinion, be safe to estimate for Behar survey, complete in all its branches, at less than Rs. 150 per square mile.

11. As to settlement work, the estimate for Behar is Rs. 126 per square mile, against about Rs. 20 per square mile in the Central Provinces. Mr. Finucane's Report, No. 45, dated the 28th March 1887, shows that it is not possible to compare the work done in the Central Provinces with the work required in a settlement under the Tenancy Act. In Behar the number of tenants' holdings is about 300 per square mile. In Raipore there appear to be about 30, and in Bilaspore 39 tenants per square mile. The difference is almost sufficient to account for the higher cost of settlement work in Behar. Further than this, the number of separate estates is very large in Behar. In an area of 88 square miles in Mozufferpore, comprising 235 villages, there were 1,200 separate estates. Individual rents are disputed largely, and it was found that in Mozufferpore they were disputed throughout the village in about 25 per cent. of the area, while in about 35 per cent. only there were no disputes. All these disputes, as well as disputes as to possession, have to be tried by the Civil Court procedure. Three copies of the records have to be made, which add Rs. 18 to the cost per square mile. All these facts will, to some extent, account for the expensiveness of the Behar settlement. It may be possible, with the help of the experience already gained, to reduce the cost; but it would not, in my opinion, be safe to make the estimate lower than I have done. It is to be noticed that it is already lower than any results yet obtained.

(signed) *E. W. Collin,*
Settlement Officer,
Srinagar-Banelli Estate.

Purneah, 29 December 1890.

Enclosure 9, in No. 5.

From *E. W. Collin, Esq., c.s.,* Settlement Officer, Raj Banaili and Srinagar Estate, to the Director of the Department of Land Records and Agriculture, Bengal.

No. 19, dated Purneah, 14 April 1890.

WITH reference to your letter, No. 421 TA, dated the 12th March 1890, I have the honour to inform you that, so far as I have been able to calculate the cost of cadastral survey in Behar, I find it to be Rs. 142 per square mile of cadastral survey only. To this must be added the cost of traverse survey, which is, I believe, Rs. 25 to Rs. 30 per square mile.

2. I append a statement showing how the estimate has been arrived at. The size of field in Mozufferpore was $\frac{1}{45}$ of an acre, and there were 1,640 fields per square mile. It is, I think, possible to make reduction in the charge for the ameen's out-door establishment, as, if he finishes more than 300 acres per month, the charge for coolies and chainmen will not be so high. As a matter of fact, an ameen surveys less in the cold weather, and more in the long days of April and May. Possibly an assistant survey officer could supervise more than 50 ameens, but I doubt if he could do so efficiently. The estimate which I have made approximates very closely to the cost in the survey of the Srinagar estate, but here the fields were much larger; on the other hand, the estates were much scattered. The cost of supervision comes to Rs. 23 per square mile if 800 miles are done in a season, but I doubt if more than 650 to 700 can be completed.

3. It is more difficult to estimate the cost of settlement operations, but I have drawn up an estimate based upon the ascertained facts in Mozufferpore, viz., that there are 1,640 fields and 420 holdings in a square mile. I estimate that an assistant settlement officer could, if no unexpected difficulties arose, complete the settlement of 12 square miles a month. This would comprise about 5,000 holdings. I submit an estimate of the office establishment which he would require, and the other charges to be incurred. The total comes to Rs. 110 per square mile. To finish 800 square miles a year, five assistant
settlement

settlement officers would be required, and one settlement officer. The settlement officer's pay and allowance would add about Rs. 10,000 to the cost, assuming him to draw (with travelling allowance) only Rs. 1,350 per month. His establishment and other charges would be nearly on the same scale as that

	Rs.
Five assistant settlement officers' establishment, at Rs. 16,000 per annum	80,000
Add extra salary of settlement officer	10,000
Add establishment of settlement officer	16,000
TOTAL	Rs. 1,06,000

Divided by 800 square miles = Rs. 133 per square mile.

of assistant settlement officers if he is to do any original settlement work.

The total charge for settlement of 800 square miles would thus be at Rs. 133 per square mile (*see* calculation in the margin). To this must be added demarcation at about Rs. 2 per square mile, and boundary pillars about 6 per

square mile at Rs. 1-8 per pillar, or total of demarcation Rs. 11 per square mile. The total cost of settlement therefore would be Rs. 144 per square mile, or a little over 3-6 annas per acre.

4. The traverse survey, cadastral survey, and settlement, would cost altogether Rs. 311 per square mile, or a little under 7½ annas per acre. Excluding traverse survey, it would be a little over 7 annas per acre. If any difficulties arose, this amount would be increased. On the other hand, there might be a reduction. It is possible that the introduction of the new rent receipt will make the ascertainment of rents easier. I do not think, further, that if the law is strictly followed, there can be much delay over the settlement of rents, as neither party has much evidence to produce so as to prove any ground of alteration or enhancement of rent.

5. I have taken considerable pains in preparing the estimates, and I do not think it necessary to trouble you with further explanation of the figures.

6. With regard to the suggestion made in the first paragraph of your letter, No. 187 TA; of the 9th February 1889, to the Secretary to the Board of Revenue I do not know that there is much to be gained from the first proposal. The traditions of the Survey of India Department appear to promote economy as far as possible, and there are no native officers in the Bengal Government who could work as hard and on such low rates of pay as the assistants in that Department. Care, however, should be taken that all the details of the survey are studied before it commences. In Mozufferpore the survey ameens at first employed were illiterate up-country chainmen who had been surveying in Burmah, and who had never written up a record. Forms for the khasra were not ready, nor had rules been drawn up suited to the circumstances of the district. I have always found that officers of the Survey Department were most loyal in carrying out all instructions issued from the settlement office. It is in my opinion necessary to have an officer of experience to supervise survey work alone when the survey party is a large one.

7. As to the second suggestion, the object is to get the best ameens available, and I have always found that survey officers were willing to employ any men who answered this description whenever found. The reason for employing up-country ameens is that they work about twice as fast as men of this province. The attempt to train local men for the Srinagar Estate survey failed altogether, although Mr. Scott made an honest attempt to do so. Putwaris can hardly be employed, as the landlords have no confidence in them, and they cannot further be spared from their other duties for three or four months at a time.

8. The third suggestion has my entire approval. It takes a settlement officer about a year to learn his work and to get rid of preconceived notions of a settlement officer's duty.

9. As to the fourth suggestion, the reduction of one copy is now possible under the new rules as to publication of the records. This reduces the cost by about Rs. 6 per square mile.

10. The only suggestions which I have to make as to the reduction of cost is that the preparation of accurate maps might be altogether abandoned, at

suggested in the latter part of paragraph 97 of my report on the Mozufferpore survey forwarded with my letter, No. 441, dated the 18th July 1887. This proposal, however, has many disadvantages, and I am inclined to think that it is better to bear the additional cost of having accurate maps made.

OUT-DOOR SURVEY ESTABLISHMENT.

Ameens.

	Per square mile.		
	Rs.	A.	P.
Survey paid at Rs. 3 per 100 acres of average size field 40=	19	2	—
Record-writing at 6½ annas per 100 fields, 1,640 fields			
per square mile =	6	10	—
Two chainmen at Rs. 5 for two months, i.e., average rate			
of survey 300 acres per month	20	—	—
Four coolies at R. 4, i.e., two coolies per month for two			
months	16	—	—

Share of Inspector.

Viz., $\frac{1}{10}$ salary of Inspector for two months at Rs. 40,			
Inspector's staff for two months at Rs. 16	11	—	—

Share of Assistant Survey Officer.

Viz., $\frac{1}{30}$ of survey officer's salary for two months at Rs. 350			
and his staff for two months at Rs. 20	14	4	—

Contingencies.

Instruments, paper, &c., at 15 per cent	13	—	—
Total Out-door Charges	100	—	—

SURVEY OFFICE ESTABLISHMENT.

Inking in field boundaries and numbering at Rs. 1-12 per			
1,000 number for a square mile containing 1,640 fields	2	14	—
Extraction of areas, Re. 1 per 1,000 fields as above	1	9	—
Second extraction for verification of same numbers	—	8	—
Tracing and numbering, 12 annas per 1,000 field numbers	1	3	—

Extract of Statistics.

Melan khasra at Re. 1-4 per 1,000 fields number	2	9	—
Crop Statement at Re. 1 per 1,000 fields number	1	9	—
Contingencies at Rs. 15 per cent.	1	—	—
Printed forms, about 1,000 required, at Rs. 8 per 1,000	8	—	—
Total	19	4	—

Supervision.

	Per square mile.		
	Rs.	A.	P.
Survey officer in charge at Rs. 1,000 per month for 12			
months	12,000	—	—
Office establishment at Rs. 200 per month for 12 months	2,400	—	—
Assistant survey officers, three at Rs. 250, for 6			
months not in the field	4,500	—	—

<i>Office Contingencies.</i>	Per square mile.		
	Rs.	A.	P.
Survey forms, &c., at Rs. 50 per mensem for 12 months	600	-	-
Total - - -	19,500	-	-

This amount will be spread over 800 square miles, and the cost per square mile = Rs. 23.

GRAND TOTAL OF SURVEY ESTABLISHMENT.

	Rs.	A.	P.
Out-door establishment, per square mile - - -	100	-	-
Office establishment, per square mile - - -	19	-	-
Survey officer and supervision, per square mile - - -	23	-	-
Total - - -	142	-	-

ASSISTANT SETTLEMENT OFFICER'S ESTABLISHMENT.

	Rs.
1 Peshkar at Rs. 50 - - -	50
6 Moonsarims „ 20 - - -	120
4 Mohurirs „ 15 - - -	60
8 Peons „ 5 - - -	40
1 English clerk „ 30 - - -	30
1 Nazir „ 20 - - -	20
1 Bench mohurir at Rs. 20 - - -	20
1 Record-keeper „ 15 - - -	15
1 Duffry and two orderly peons at Rs. 6 - - -	20
Salary and travelling allowance of Assistant Settlement Officer - - -	450
Kanoongoe for publication of record - - -	50
Total - - -	875
Total for 12 months - - -	10,500

Preparation of terij at 4 annas per 100 field numbers for 144 square miles	600 for 144 square miles.
Preparation of Collector's copy of the record at 6 annas per 100 numbers	885 ditto - ditto.
Preparation of copies for landlords and raiyats at 4 annas per 100 field numbers - - -	1,200 ditto - ditto.
Preparation of khewat and copying at 4 annas per 100 field numbers -	500
Copying and comparing terijes -	300
Cost of forms, i.e., 200,000, at Rs. 8 per 1,000 - - -	1,600
Contingencies at Rs. 40 per month -	480
Total - - -	16,065
=Rs. 110 per square mile.	

E. W. Collin,
Settlement Officer.

Enclosure 10, in No. 5.

From *Gordon Leith, Esq.*, Officiating Assistant Secretary to the Government of Bengal, Legislative Department, to the Secretary to the Government of Bengal, No. 621D., dated Calcutta, 26th June 1891.

Sir,

WITH reference to your letter No. 138T.—R., dated 18th instant, with enclosures, I have the honour to enclose herewith my opinion on the point stated in the first paragraph of your letter under reply.

I have, &c.,
(signed) *Gordon Leith.*

Enclosure 11, in No. 5.

Opinion.

I CAN find nothing in Mr. Shore's Minute respecting the Permanent Settlement, dated 18th June 1789, or in any of the Regulations passed between that date and the passing of Regulation XII of 1817, or in any work referring to putwaris, to which I have access, which leads me to the conclusion that at any time prior to the passing of Regulation XII of 1817, it was customary for a putwari, as such, to be engaged upon survey work. I think, therefore, it is safe to assume that no such custom existed, and am of opinion that no putwari, whether already or hereafter to be appointed under the provisions of section 16, Regulation XII of 1817, can be required to undergo training in practical cadastral surveying or to carry out such survey work, for where the duties of an office are limited by legislative authority, by a like authority only can such duties be varied or increased.

26th June 1891.

G. Leith.

Enclosure 12, in No. 5.

From *T. T. Allen, Esq.*, Superintendent and Remembrancer of Legal Affairs, to the Secretary to the Government of Bengal, Revenue Department, No. 391, dated Calcutta, the 26th June 1891.

IN reply to your No. 137T.—R of the 18th instant, I have the honour to say that in my opinion the imposition of new duties other than those expressly recognised in the existing Regulations as incumbent on putwaris would be legally indefensible.

2. According to such knowledge as lies floating about in my mind, the result of past reading and reflection, the patwari was originally an officer of the villagers, their accountant, whose duty was simply to keep their accounts and to protect them against extortionate demands from the zemindars or farmers of Government revenue; and when in 1793 the English Government, ignoring this, made the patwari a nominee of the zemindar, a mischievous wrong was done to the villagers.

3. But notwithstanding, neither Regulation VIII of 1793 nor Regulation XII of 1817 contemplated any change in the duties of the patwari; an accountant he remained, though now a creature of the zemindar instead of an officer of the villagers.

4. His duties are defined in section 16, Regulation XII of 1817, which, I observe, is incorrectly quoted in Mr. Finucane's note. The Board's power is limited to altering the form or mode of the village registers and accounts.

5. There is nothing in that section which authorizes the conversion of a village accountant into a village surveyor.

6. Furthermore

6. Furthermore, the Regulations have put the removal as well as the appointment of a putwari into the hands of the zemindar (sections 12 and 13), and the Collector can merely report to the Board (section 15) when he desires to get rid of a patwari, and that for "neglect of duty or other sufficient cause," the sufficient cause of course being *ejusdem generis* with neglect of duty. Mental or physical or moral incapacity to learn English surveying would be neither "neglect of duty" nor "sufficient cause."

7. The economical aspect of the case is discussed by Mr. Blyth; but in correction of what he proposes, it is necessary to observe that section 18, Regulation XII of 1817, recognizes perquisites as well as payment in coin; and such cannot therefore be arbitrarily withheld. Originally, when village officer, a patwari's remuneration was, I suppose, wholly composed of perquisites.

Enclosure 13 in No. 5.

From Sir E. C. Buck, Secretary to the Government of India, to the Secretary to the Government of Bengal, No. 2135—112, dated Simla, 18th September 1891.

Sir,

I AM directed to acknowledge your letter No. 883. L. R. of the 9th July 1891 on the subject of the survey and record-of-rights in North Behar, and in reply to communicate the following remarks and instructions.

2. In the letter under reply His Honour the Lieutenant-Governor has described in a clear and concise manner the present position of this important project and of the difficulties by which it is surrounded, and has placed before the Government of India as the leading issue on which instructions are required the question whether in the face of those difficulties the project should be carried out. The Governor-General in Council fully appreciates the necessity for most careful consideration before committing himself to the undertaking. But he is nevertheless convinced by the powerful arguments which are presented in the 6th paragraph of your letter, as well as by the opinions that have been recorded in previous correspondence by Sir Charles Elliot's predecessors, that the measure is indispensable for the effective administration of the province and for the protection of the agricultural classes of Behar. His Excellency in Council is also impressed with the belief that no opportunity for setting the project on foot more suitable than the present is likely to be found. The task is one which from its magnitude and importance is not likely to be successfully undertaken by a Lieutenant-Governor whose term of office is nearing its close. Sir Charles Elliot has only recently acceded to the government of the province; his special experience in other parts of India and his known mastery of the subject mark him out as exceptionally competent to direct the administration of an undertaking which involves the survey and record-of-rights in a large territory; moreover he has fully satisfied the Government of India in his present letter that he clearly understands both the difficulties which have to be surmounted and the advantages which are to be gained in carrying out the measure. After full consideration the Government of India accept the view expressed in your 6th paragraph that the results of the project will be worth the trouble and the risk which it will entail, and Sir Charles Elliot may, subject to the Secretary of State's approval of the scheme, count on receiving their fullest support in his conduct of the undertaking.

3. Turning now to the question which is of the next immediate importance, that of the method in which funds are to be raised to meet the cost of the survey and record-of-rights in North Behar, I am to intimate that the Government of India are prepared to accept the charge of one-eighth of the total expenditure as representing the cost of traverse-surveys. As regards the remaining seven-eighths, which it is proposed in your letter should be divided equally between the zemindars and ryots, I am to observe that the Board of Revenue recommended that the zemindars should pay two-thirds and the ryots one-third. But the Government of India are disposed to think that the primary consideration should be whether under any circumstances any direct liability

should be thrown on tenants at will. Tenants whose rents are not restricted by any provisions of the law either are or can be made to pay by the landlord full or even rack-rents, and the desirability of imposing any further obligation upon them seems open to question. As at present advised, His Excellency the Governor-General in Council is disposed to consider that the contribution should be divided in such manner as may be considered equitable between the zemindars and those ryots who possess rights under the Tenancy Act which restrict the enhancement of their rents within limits prescribed by the law. If this view be accepted, the adjustment of the shares to be contributed by landlords and tenants could hardly be made on the broad basis of equal division suggested in your letter. The shares would probably approximate more nearly to the two-thirds and one-third recommended by the Board of Revenue. It is, however, impossible for the Government of India to form any accurate judgment on this issue themselves, which is one which must be left for the consideration and decision of the Lieutenant-Governor.

4. The Government of India are, I am to say, prepared to advance from year to year such amounts as may, in addition to the charges for traverse surveys, be necessary for the conduct of operations, pending the recovery of them from the zemindars and ryots. They would be glad, however, to receive a more definite indication of Sir Charles Elliot's views as to the period over which the repayment should be distributed. They have no objection to the extension of the term to any number of years which may be considered desirable; but if it should be thought expedient that the ryots' share should be collected direct from the tenants, otherwise than in the form of a temporary addition to the rent, I am to suggest that the inconvenience of recovering numerous petty instalments from a large number of small occupiers should not be overlooked.

5. In conclusion, I am to state that the Government of India are prepared to give general assent to the arrangements suggested in the 13th and following paragraphs of your letter under reply. His Excellency in Council is indeed content to leave all the executive details of the scheme to the decision of Sir Charles Elliot.

I have, &c.
(signed) *E. C. Buck.*

Enclosure 14 in No. 5.

From Sir *E. C. Buck*, Secretary to the Government of India, to the Secretary to the Government of Bengal, Revenue and Agricultural Department, No. 2351—112, dated Simla, 20th October 1891.

Sir,

IN continuation of my No. 2135—112, dated 18th September 1891, in the second paragraph of which it is intimated that the Government of India support the scheme for the Behar Survey subject to the Secretary of State's approval of it, I am to explain that this remark need not be held to preclude any announcement which His Honour the Lieutenant-Governor may be pleased to make that the Government of India have sanctioned the prosecution of a cadastral survey, a measure of which Her Majesty's Secretary of State has already signified his approval.

I have, &c.
(signed) *E. C. Buck.*

— No. 6. —

From the Secretary of State for India in Council to the Governor-General of India in Council, Revenue, No. 95, dated India Office, 24 December 1891.

My Lord Marquis,

I have considered in Council the important papers forwarded with your letter, No. 85, dated 28th October 1891, concerning your decision that a cadastral survey and record of rights should be effected in four districts of North Behar, namely, Mozufferpore, Durbhanga, Sarun, and Chumparem.

2. Chapter

2. Chapter X. of the "Bengal Tenancy Act, 1885," empowers the Local Government, with the previous sanction of the Governor-General in Council, to direct that a survey be made and record-of rights be prepared for any local area in Bengal. Proposals for undertaking this work in Behar have been discussed for some years, and three successive Lieutenant-Governors of Bengal have held that the relations of landlords and tenants in Behar will never be placed on a secure and definite basis, until the land is surveyed and rights are recorded. This general proposition may probably be applicable to a great part of Bengal, and it is certainly true of North Behar, where an extremely dense population subsists by agriculture alone, where the competition for land is severe, where

* At para. 69 of Mr. Collin's report on the experimental survey in Mozufferpore, it is said that "the greater part of this increase has taken place within the last 15, or 20 years." the average rental has been enhanced since 1840* by 114 per cent., and where landlords are exceptionally strong and tenants are exceptionally weak. Ex-

perience in other parts of India has shown beyond the possibility of doubt that, until an accurate and authoritative record of landed rights is prepared, tenants cannot be protected in the enjoyment of the rights which the law declares that they possess, and the maintenance of which is essential to the prosperity and contentment of the country.

3. In the permanently settled districts of the Benares Division, adjoining North Behar, a field survey had been made and a record-of-rights had been prepared 40 years ago; yet in 1878 it was decided that "a re-survey and a revision of the record-of-rights was essential to the well being of the peasant classes in those districts, and was expedient from a political as well as from an administrative standpoint." In 1877, when the work had begun, the Local Government expressed its hope that "the result would be a decrease of litigation and a settlement once for all of quarrels that for years have been the bane of many villages." When the Local Government reviewed the work in 1889, after the survey and record-of-rights for the five districts had been completed, the Lieutenant-Governor was able to say that there could be "no doubt" regarding "the necessity of the work of survey and record, and the value of the results;" although much litigation took place before rights were finally ascertained and recorded. And it did not appear from the five voluminous reports on these operations that any section of the landed classes objected to the work or to the results thereof.

4. After the investigation and record-of-rights in the Benares Division, the Local Government was able to say that there did "not appear any reason to suspect the existence of rack-renting" in those districts. The land is mostly divided into very small properties, and many of the landowners were said to be "of a status differing little from that of tenants." But in North Behar much of the land is held by large landowners, and the experimental survey, effected in North Behar during 1877 over an area of 411 square miles, showed that the great increase of rents during the last 20 years was not justified by the extension of cultivation, or by any improvements in the fertility of the soil, or by the rise in the price of staple produce. Mr. Collin, who conducted the survey operations, reported that the enhancement of rents in the tract he had investigated had been "obtained from the most part arbitrarily, and on no fixed principle, and had not been legally obtained." The ryots' consent to enhancements, had, he added, often been obtained "by concealment of facts . . . and by improper pressure upon the ryots." There seems no reason to doubt that the tract surveyed in 1877 was fairly typical of North Behar, and the need for a survey and record-of-rights is probably much stronger in that tract than it was in the Benares Division.

5. The Lieutenant-Governor of Bengal, while he is decidedly of opinion that the survey of North Behar ought to be undertaken, warns your Government that the landholders as a body will disapprove and oppose the measure; that the indigo planters will not be unanimously in its favour; that the leading ryots, some of whom are now holding their land on favourable terms, will oppose the survey and record-of-rights, while the majority of ryots will not appreciate the benefits of survey, will certainly dislike the temporary trouble and

expense that will devolve upon them, and, in any case, are unable to make their voices heard through the same channels as the landholders.

6. The main arguments urged against the survey appear to be three, namely :—

- (1.) That it will harass the people, and cause ruinous and unnecessary legislation.
- (2.) That it is unnecessary, as the gradual working of the Tenancy Act is giving protection to the ryots.
- (3.) That, if the survey is made, the Government ought to pay for it from the public treasury, and ought not to compel the landowners to bear the cost.

As to the first point, it may be admitted that in the districts of the Benares Division the preparation of the record-of-rights was attended with a good deal of litigation; but the disputes which came to a head were in existence, they were not fomented by the survey, and the information obtained at the survey enabled the Settlement Officer and the Courts to settle those disputes once for all. It is not possible to forecast with certainty the course of litigation during the North Behar Survey. Concerning the experimental survey in Mozufferpore Mr. Collin wrote :—

“The number of objections filed were 3 per cent. of the number of separate holdings, but it sometimes happened that one petition contained objections to the entries of rent payable by, or to the area of land held by a number of raiyats. The number of objections is therefore not strictly a test of the extent to which the records were disputed; nor is it a test of the litigation due to the survey, for a number of objections were disposed of without dispute. It would be fairer to take the number of contested objections which became civil suits, and which were made into suits between the individual parties. The number of such contested objections was a little less than 3 per cent. of the number of holdings. As the landlords and raiyats were given copies of their jamabandi slips, and had every opportunity of disputing the correctness of the entries, the small proportion of objection suits may be taken as a proof that the work was generally correctly done. It is a proof, moreover, that the proceedings were not calculated to give rise to unnecessary disputes or needless litigation. This result cannot but be considered satisfactory, when it is remembered that it was anticipated by some that the survey and settlement would (to quote the words of the late Baboo Kristodass Pal) plunge the country into a flood of litigation, stir up the worst passions of both the landlord and the tenant, open a wide door to perjury and forgery, and throw the agricultural population into a sea of trouble, expense, and loss.”

During surveys made by the Bengal Court of Wards in recent years it has repeatedly happened that differences regarding rates of rent and holdings have been amicably adjusted by compromise between landlords and tenants, and these operations have not led to any serious increase of litigation between zemindars and ryots on Ward's estates. It will be remembered also that precisely the same predictions were made seven years ago by the opponents of the Bengal Tenancy Bill; they said that the new law would set class against class, and would flood rural Bengal with a sea of litigation. Five years have passed since the Tenancy Act came into operation; and the Board of Revenue have been able to report year after year that the Act has not caused any serious increase of litigation or agrarian trouble.

7. As to the second point, it is quite true that the Bengal Tenancy Act has wrought a great and valuable improvement in the legal status of the majority of Bengal ryots. But in North Behar a vast number of the ryots will not reap the advantage of the law until their status and rights are authoritatively ascertained and recorded. It was probably a surprise to the landed classes in Behar, landlords as well as tenants, and it was perhaps somewhat of a surprise to the revenue authorities, when the experimental survey in Mozufferpore revealed that 91 per cent. of the ryots possessed tenant rights of a valuable kind.

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As might be expected, the ryots are reported to value the extracts from the record-of-rights which certify to their status, and to have been disappointed at the closing of the cadastral work in 1877. I see no reason for doubting the correctness of the late Sir Rivers Thompson's view, who, as Lieutenant-Governor of Bengal, wrote :—

“Now matter how excellent and liberal the rights provided for by law may be for such a population as we have to deal with, it cannot be doubted that, until a record of rights shall have been completed, the peasantry will, to use Sir John Strachey's words, remain the victims of chicanery and oppression, and our Courts will be systematically made use of for the perpetration of injustice.”

8. In regard to the third objection, it is true that in other parts of India the general treasury bears the cost of a cadastral survey and record-of-rights. But in temporarily settled districts the treasury reaps an immediate increase of land revenue as the result of these operations; and so it is just that the cost should be borne by the general taxpayer. Although in the permanently settled districts of the Benares Division the landed classes were not called upon to pay directly for the recent re-survey and record of rights, it must be remembered that one half the costs of those operations was defrayed from the unexpended balance of a special fund contributed by the landholders. The other half was paid from the general treasury. In the case of North Behar it is proposed that the general treasury shall bear one eighth of the cost, the remainder being defrayed half by the landlords and half by the tenants. The reason for thus limiting the State share of the cost is apparently because the decision of 1877 regarding the cost of the Benares survey is regarded as an unnecessarily liberal concession; and because the land revenue paid at present by the Benares districts is very much heavier than that paid by North Behar. The North-West Provinces Government Orders of the 15th June 1889 show that the five permanently settled districts of Benares pay on the average a land revenue of 26½ annas for each acre of cultivated land, and that the total land revenue amounts to 39 per cent. of the corrected rental. As present there is no precise information of this kind regarding North Behar; but I am informed that the

* *Note.*—The estimate is framed thus :—The land revenue of North Behar is Rs. 34,96,000. The cultivated area in the permanently settled districts of the North-West Provinces is 69 per cent. of the total area. If we take the same proportion, the cultivated area of North Behar would be 69 per cent. of 12,500 square miles (8,100,000 acres), or about 5,589,000 acres. This makes the land revenue fall on the cultivated area at 10 annas per acre. The average rent-rate in the tract of the Mozufferpore experimental survey was Rs. 3½ per acre. But the rents of some parts of North Behar are probably considerably below that rate.

land revenue there probably does not exceed 10* annas per acre, and perhaps does not exceed 20 per cent. of the total rental. I consider that there are good reasons for the treasury bearing a smaller share of the cost of the Behar survey than it did of the Benares survey. But, if on reconsideration your Government should decide to undertake a larger proportion of the total cost, I should be prepared to accept such a decision most readily.

9. After a careful consideration of the whole subject, I cordially concur with your Government in accepting the decision of the Bengal Government that a survey should be made and a record-of-rights should be prepared in North Behar. When the work is once begun, it should be prosecuted with all the economy and expedition that may be possible without impairing the correctness of the result. I trust it may be found possible to train and employ in the undertaking a considerable number of Behar villagers, so that the survey may leave behind it an indigenous agency capable of maintaining correct field maps and records hereafter. I am confident that your officers will do all in their power to make the survey operations as little irksome to the people as possible. But some little disturbance to the people is inseparable from such an undertaking; and it is therefore desirable to carry it through as promptly as possible.

10. In previous correspondence much stress was rightly laid on the necessity for arranging that the record-of-rights should be duly corrected and maintained year by year, when once it has been correctly prepared. I am glad to see that

you are keeping this requirement in view, and that the Lieutenant-Governor promises to report hereafter his definite recommendations. I observe that, while he does not propose to establish in Behar a complete village accountant (patwari) agency and system of the North India type, still he hopes to devise a simple and economical plan for entering year by year in the record-of-rights all changes of tenures or tenancies, and all changes in the rent demand. I shall be glad to receive a further report from you on this subject, and also respecting the recovery of the survey expenditure from the different classes interested.

I have, &c.
(signed) Cross.



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